

4.
03-10-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 3088 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali Police Station Case No.1122 of 2021 dated 14-11-2021 under Sections 363/366 of the Indian Penal Code and charges under Sections 363/366A/34 of the Indian Penal Code.

- A n d -

In the matter of : Shib Mangal Roy @ Mangal

.... Petitioner.

Mr. Kalyan Kumar Chakraborty,
Mr. Vivek Kumar Pandey,
Mr. Gopal Krishna Sarkar

... For the Petitioner.

Mr. Joydeep Biswas,
Ms. Ayana Dey

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner says that he was granted bail by the learned trial Court by order dated July 18, 2023. Thereafter, he failed to appear before the learned trial Court because of laches on the part of his lawyer. He was arrested and is now in custody for 62 days. His aged mother is ailing. His wife is in the family way. He prays for bail.

Learned advocate, appearing for the State, opposes the prayer for bail. He says that the petitioner was re-arrested because he breached the conditions of bail.

We have considered the material on record. The defacto complainant being the mother of the victim lady has turned hostile as a witness. The victim lady's statement recorded under Section 164 of the Code of Criminal Procedure

as also the victim lady's deposition recorded before the learned trial Court does not implicate this petitioner.

In view of the aforesaid, we are inclined to allow the petitioner's prayer for bail, but on more stringent conditions since he has once breached conditions of bail.

Accordingly, we direct that the petitioner, namely, **Shib Mangal Roy @ Mangal**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge, 5th Court, Krishnagar, Nadia. The petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station everyday, until further orders.

We are told that examination under Section 313 of the Code of Criminal Procedure is yet to be done. The petitioner must appear before the learned trial Court at that time.

In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 3088 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)