

17.12.2024
Item no. 59.
Court No.29.
AB
(Allowed)

CRM (DB) 3115 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Manikchak Police Station Case No.69 of 2023 Dated 02.02.2023 under Sections 323/302/34 of the Indian Penal Code

And

In the matter of : Manoj Rabidas @ Manna @ Monoj

.....Petitioner.

Mr. Amitabha Karmakar,
Mr. A. K. Bhowmickfor the Petitioner.

Mr. Joydeep Roy,
Ms. Paramita Sahufor the State.

Dictated by Arijit Banerjee, J.

1. Status Report filed by the State, be kept with the records.
2. Copies of depositions of the witnesses so far examined filed by the State, be also kept with the records.
3. As we recorded in our earlier order dated December 3, 2024, the petitioner is in custody for 1 year and 10 months. Only 3 out of 15 charge sheet named witnesses have been examined. The report of the State says that 12 more witnesses will be examined. In other words, an early conclusion of the trial is practically not possible.
4. Scanning the evidence of the 3 witnesses already examined, we find that one of them has said that he does not know the accused person. One of the witnesses

identified one Dilip Rabi Das but not this petitioner. The other witness is not an eyewitness.

5. In view of the aforesaid and considering the period of detention of the petitioner, we are of the view that further custodial detention of the petitioner is not necessary.
6. Accordingly, we direct that the petitioner, namely **MANOJ RABIDAS @ MANNA @ MONOJ** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, and on further conditions that he shall remain within the jurisdiction of the Manikchak Police Station and shall report to the Officer-in-Charge of the Manikchak Police Station once in a fortnight until further orders.
7. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

9. Be it noted that in the order dated December 3, 2024, the name of learned State Counsel has been wrongly recorded as Mr. Joydeep Biswas. The same shall stand corrected as Mr. Joydeep Roy.
10. The application for bail is, accordingly, allowed.
11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)