

04.12.2024
Item no.34.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3378 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Swarupnagar Police Station Case No. 939 of 2021** dated **05.11.2021** under **Sections 376/307/325/506** of the Indian Penal Code.

And

In the matter of : Krishna Mondal @ Krishna Mandal.

.....Petitioner.

Mr. Kallol Mondal, Sr. Adv.,
Mr. Drishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Akbar Laskar,for the Petitioner.

Mr. Kunal Gangully,for the State

Dictated by Arijit Banerjee, J.

1. Service report and status report filed by the State be kept with the records. In spite of service, nobody appears for the de facto complainant.
2. The petitioner renews his prayer for bail, primarily, on the ground of delay in progress of trial. He says that he is in custody for more than 3 years. There has been no witness action at all. He has been falsely implicated because of land dispute with the de facto complainant who is his neighbour.
3. Opposing the prayer for bail, learned State advocate draws our attention to the material in the case diary.

The material available, prima facie, does not advance the case of the prosecution to any extent.

4. Considering the prolonged detention of the petitioner, as also the fact that the trial has not even begun, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Krishna Mondal @ Krishna Mandal** 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 Additional Chief Judicial Magistrate, Basirhat, subject to the conditions that the petitioner shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the concerned police station once in a fortnight until further orders.
6. 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 in any manner whatsoever.
7. 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.

8. The application for bail is, accordingly, allowed.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)