

05.01.2024.
32.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4859 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nawda P.S. Case No.349 of 2022 dated 09.12.2022 under Sections 302/201 of the Indian Penal Code.

In the matter of : **Madhab Mondal.**

.... Petitioner.

Md. Sabir Ahmed,
Mr. Dhiman Banerjee,
Mr. Tasnim Ahmed,
Ms. Suman Biswas.

...for the Petitioner.

Mrs. Anasuya Sinha,
Ms. Kum Kum Mitra.

...for the State.

1. Petitioner is the father-in-law of the victim-husband. He contends he has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for State opposes the bail prayer. She submits bail prayer of other accused have been rejected.
3. We have considered the materials on record. Petitioner does not stand on the same footing with other accused. Statements of witnesses show the said accused, whose bail have been rejected, were seen assaulting the victim and dragging him away. Subsequently, the dead body of the victim was recovered.
4. Keeping in mind the extent of complicity of the petitioner in the crime and the period of detention suffered by him, we are of the opinion petitioner may be granted bail.

5. Accordingly, the petitioner viz., **Madhab Mondal** 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, Berhampore, Murshidabad subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)