

21.10.2020
SL No. 78
Sdas
allowed

CRM 8417 of 2020
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda Police Station Case No. 313 of 2020 dated 08.06.2020 under Sections 392/397/411 of the Indian Penal Code read with Section 25(I-B)(a) of Arms Act.

And

In Re : Rajkumar Mandal petitioner

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar

.....for the petitioner

Mr. P.K. Datta, learned A.P.P.
Mr. Santanu Deb Roy

....for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 130 days. Co-accused has been enlarged on bail.

Learned Counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and as co-accused, similarly circumstanced with the petitioner, has been enlarged on bail and in view of period of detention already suffered by the petitioner, we are inclined to extend the same privilege to the petitioner.

Accordingly, we direct that the petitioner 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, subject to the conditions that the petitioner shall not enter the jurisdiction of Malda until further orders except for attending court proceedings and/or investigation and shall provide the address where he shall presently reside to the investigating agency and the court below. He shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders. He 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.

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

The application for bail is, accordingly, allowed.

(Abhijit Gangopadhyay, J.)

(Joymalya Bagchi, J.)