

29.01.2021

Item no.17
Court No.28
Avijit Mitra

C.R.M. 10976 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Bhimpur Police Station Case No.154 of 2020 dated 14.07.2020 under Sections 341/325/326/307/302/34 the Indian Penal Code;

And

In Re : Khairul Mondal

.... petitioner

Mr. Kallol Mondal,
Mr. Amanul Islam,
Ms. Amrita Chel

....for the petitioner

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta

..... for the State

Mr. Mondal, learned advocate appearing for the petitioner submits that the alleged incident occurred in course of a sudden altercation. No overt act had been attributed to the petitioner.

Drawing the attention of this court to the medical report, he submits that the petitioner's name was not mentioned by the deceased. Upon completion of investigation, charge sheet has also been filed and as such further detention of the petitioner, who is in custody for about 190 days, is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Records reveal that a co-accused was granted bail by a Coordinate Bench of this Court on 17th December, 2020 observing *inter alia* that the incident was not a pre-meditated one.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted.

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, Nadia and on further condition that the petitioner shall meet with the Officer-in-Charge, Bhimpur Police Station twice a week on and from 8th February, 2021, until further orders.

The application for bail being C.R.M. No.10976 of 2020 is, accordingly, allowed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)