

(2020) 04 CAL CK 0015
In the Calcutta High Court

Case No : Criminal Misc. Case (Bail Application) (CRM) No. 2914 Of 2020

In The Matter Of

APPELLANT

Vs

Sujit Mondal

RESPONDENT

Date of Decision : 08-04-2020

Acts Referred:

Citation : (2020) 04 CAL CK 0015

Hon'ble Judges : Joymalya Bagchi, J;Dipankar Datta, J

Bench : Division Bench

Advocate : Brajesh Jha, Saswata Gopal Mukherjee, N. Ahmed, S. Ahmed

Judgement

Petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned counsel for the petitioner submits that he has been constrained to make this prayer for bail on humanitarian ground. His son is extremely ill and was admitted in hospital. His old ailing mother also requires medical attention. The prevailing condition owing to covid 19 pandemic requires his presence to arrange for prompt medical attention to his family members.

Learned Public Prosecutor opposes the prayer for bail and submits that prayer for bail of the petitioner was turned down by the Apex Court. He was given liberty to renew his prayer after six months which has not expired till date. The petitioner had absconded and intimidated witnesses.

We have considered the materials on record. Co-accused persons have been enlarged on bail. However, prayer for bail of the petitioner was turned down by the Apex Court and he was given liberty to pray for regular bail after six months. Owing to the onset of covid-19 pandemic and the sudden illness of his son as well as his mother who require hospitalization the petitioner has moved the bail application on humanitarian grounds prior to the expiry of the aforesaid time frame. Under these unforeseen circumstances we are inclined to examine his

prayer for bail on humanitarian ground alone.

In the aforesaid facts and circumstances of the case, we consider it prudent in the interest of justice to ensure the presence of the petitioner beside his family members particularly his ailing son and mother at the time of crisis. Furthermore, in the light of the lockdown prevailing throughout the country and the strict conditions which we propose to impose on the petitioner, we are of the view that the apprehension of the prosecution with regard to tampering of evidence or intimidating witnesses is appropriately taken care. Accordingly, the petitioner may be released on interim bail for a period of three months, however, subject to the following conditions.

The accused/petitioner be released on interim bail on executing a personal bond to the satisfaction of the learned Judge in-charge, Paschim Medinipur subject to condition that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that he shall stay at his permanent residence and shall not move out of his residence without the express permission of the Officer-in-charge of the police station within whose jurisdiction he shall reside. Petitioner shall be subjected to medical examination by the medical authorities attached to the correctional home where he is presently lodged and shall be released only upon issuance of a fit certificate by the said authorities. The interim bail shall continue for a period of three months or until further orders, whichever is earlier.

Let this matter appear for further hearing two months hence. Learned Judge in-charge, Paschim Medinipur as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this court.