

31 15.10.2020  
rkd Ct. No.03  
(Allowed)

**C.R.M. 7177 of 2020  
(IA NO:CRAN 1 of 2020)  
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mongalkote** P.S. Case No. **48 of 2020** dated **27/02/2020** under Section **448/326/307/120B/302** of the Indian Penal Code.

And

In the matter of: Raihan Mallick

....petitioner.

Ms. S. Bala

...for the petitioner.

Mr. N. Ahmed,  
Ms. A. Gaur

...for the State.

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

Accordingly, CRAN 1 of 2020 is disposed of.

It is submitted on behalf of the petitioner that he was in Kerala and did not play any role in the alleged crime.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

Having considered the materials on record including the dying declaration of the victim and as the petitioner is not named in the dying declaration recorded in the medical papers, we are inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section

438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

**(Subhasis Dasgupta, J.)**

**(Joymalya Bagchi, J.)**