

CRM 7763 of 2020

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Ranitala Police Station Case No. 354 of 2020 dated 17.08.2020 under Sections 341/325/307 and 34 of the Indian Penal Code.

Khitish Mondal
Vs.
The State of W. B.

Mr. Ratul Das
.....For the Petitioner
Mr. P. K. Datta, APP
Mr. Santanu Deb Roy
.....For the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through videoconference on the basis of such undertaking.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case out of enmity. The learned counsel further submits that one accused person namely Nitish Mondal was granted anticipatory bail by the District and Sessions Judge, Murshidabad on 15.09.2020.

The learned counsel for the State opposes the prayer for anticipatory bail.

Having considered the materials on record and the materials available against the present petitioner as well as the injury report, we are of the view that custodial interrogation of the petitioner may not be necessary.

Under such circumstances the anticipatory bail is

allowed.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. Since the charge sheet has not been filed, the petitioner shall meet the Investigating Officer once a week and shall not leave the jurisdiction of Ranitala Police Station without the permission of the I. O. or the jurisdictional court.

The trial court is directed to take necessary steps to consider the issue of framing of charges at the earliest and in the event the charge is framed, the trial court is directed to conclude the trial as expeditiously as possible within one year without granting any unnecessary adjournment to either of the parties.

The application for anticipatory bail is, thus, allowed.

In the event he fails to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Aniruddha Roy, J.)

(Soumen Sen, J.)