

CRM 7791 of 2020
(Via Video Conference)

In re : An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Malda P.S. Case No. 209 of 2020 dated 3.4.2020 under Sections 448/323/325/308/354/379/34 of the Indian Penal Code.

In the matter of : **Tapan Mondal & Anr.**

..... petitioners

Mr. Musharaf Alam Sk.

.....for the petitioners

Mr. Narayan Prasad Agarwala
Ms. Subhasree Patel

..... for the State

The petitioners undertake to affirm and stamp the petition/application as per Rules within one month of normal functioning of the Court. Subject to such undertaking the application is taken up for hearing.

The learned Advocate for the petitioner submits that the petitioner has been falsely implicated in connection with the instant case. It is further submitted that there was a dispute over a goat belonging to the accused which ate up the vegetables in the victim's garden.

The learned Advocate appearing for the State opposes the prayer for bail.

The learned Advocate for the State relies upon the medical papers and submits that grievous injury was sustained by the victim. It is further submitted that the statement recorded under Section 161 Cr.P.C. would also reveal the active involvement of the petitioner in the alleged offence.

After hearing the respective counsels and upon perusing the doctors report / prescription we do not think custodial investigation of the petitioner would be necessary.

The prayer for anticipatory bail is allowed.

Accordingly, We direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973 on further condition that the petitioner will cooperate with the investigation and shall meet the Investigating Officer as and when required.

The application being CRM 7791 of 2020 accordingly disposed of.

(Shampa Sarkar,J.)

(Harish Tandon, J.)