

20/10/2020

Item No.36

AB

Through Video Conference

CRM 8048 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bhagwangola P.S. Case No.221 of 2020 dated 26.5.2020 under Sections 306/34 of the Indian Penal Code

Prasenjit Mondal @ Prosenjit & Anr.

Vs

The State of West Bengal

Mr. A. A. Alamgir ...for the Petitioners.

Ms. Faria Hossain,
Ms. Baisali Basu ...for the State.

The petitioners undertake to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The learned Counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case. The petitioner no.2 is the wife of the petitioner no.1. It is further alleged that the false case is the result of a conspiracy. The petitioners used to be in Murshidabad, but many days ago they started residing at Kolkata.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail. He has relied upon the statement of witnesses implicating the petitioners.

Having considered the materials on record and the extent of complicity of the petitioners in the commission of the alleged offence, we are inclined to grant anticipatory bail to the petitioner no.2, namely, Astami Mandal.

Accordingly, we direct that in the event of arrest, the petitioner no.2, namely, Astami Mandal 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. The petitioner no.2 shall cooperate with the investigation.

In the event the petitioner no.2 fails to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel her bail automatically without reference to this Court.

The prayer for anticipatory bail of the petitioner no.1, namely, Prasenjit Mondal @ Prosenjit stands rejected.

The application for anticipatory bail of the petitioners is, thus, partly allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Aniruddha Roy, J.)

(Soumen Sen, J.)

