

20/10/2020
Item No.44
AB

Through Video Conference

CRM 8067 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Khanakul P.S. Case No.152 of 2019 dated 13.6.2019 under Sections 447/448/341/323/325/354/35(B)/379/34 of the Indian Penal Code

**Nitya Mondal
Vs
The State of West Bengal**

Mr. N. S. Ghosh,
Ms. S. Mukherjee ...for the Petitioner.

Ms. Zareen N. Khan,
Mr. MFA Begg ...for the State.

The petitioner undertakes 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 petitioner submits that he has been falsely implicated in the instant case.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Having considered the materials on record and the statement of the witnesses along with injury report and having regard to the fact that the charge sheet has already been filed and considering the nature and extent of complicity of the petitioner in commission of the alleged offence, we are inclined to grant anticipatory bail to the petitioner.

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. The petitioner shall not enter the jurisdiction of Khanakul Police Station except for the purpose of meeting the investigating officer and attending the court proceedings on every date fixed until further orders and shall inform his present address to the I.O.

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.

Since the charge sheet has been filed, we direct the learned trial court to initiate the process of framing of charge and take the said proceeding to its logical conclusion as expeditiously as possible.

The application for anticipatory bail of the petitioner is, thus, 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.)

