

27.11.2020

BP/BR
Sl. 31

CRM 9412 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Falakata Police Station Case No. 277 of 2020 dated 30.08.2020 under Sections 341/447/323/326/307/34 of the Indian Penal Code.

In the matter of : Ballab Mondal & Ors.....
petitioners

Mr. Debajit Kundu
..for the petitioners.

Mr. Tapan Bhattacharya
Mr. Diti Shankar Chakraborty
..for the State.

The petitioners undertake to appropriately stamp the petition 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.

It is submitted by the learned advocate for the petitioners that there is a long pending land dispute between the parties. Accordingly, both the parties filed cases against each other. He further submits that the

main accused – Tapas Mandal, Gobinda Mandal and Sushil Mandal have assaulted the victim and they are in judicial custody. The present petitioners are the next door neighbours. They are not at all involved in the case in hand. Therefore, the application for anticipatory bail should be allowed.

Learned advocate for the State opposes the prayer for anticipatory bail. He draws the attention of the court to the injury report and further contends that the victim suffered head injury and he was in hospital for six days.

Considering the submissions as advanced by the learned advocates for the parties and after perusing the record, in our considered view, since the principal accused are in custody, therefore, the custodial interrogation of the petitioners are not required. The application for anticipatory bail should be allowed.

Accordingly, we allow the prayer for anticipatory bail.

In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, to the satisfaction of the arresting officer of the case.

The aforesaid order shall be subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being C.R.M. 9412 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Kausik Chanda, J.)