

01.12.2020

BP/BR
Sl.24

CRM 9441 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 Katwali Police Station Case No. 448 of 2020 dated 13.10.2020 under Sections 455/323/341/506/34 of the Indian Penal Code.

In the matter of : Mayank Toshniwal & Anr.....
petitioners

Mr. Shiladitya Banerjee
Mr. Arnab Chatterjee
..for the petitioners.

Mr. Rudraman Bhattacharjee
Mr. Sabyasachi Banerjee
Mr. N.A. Chakraborty
Mr. Agniva Banerjee
..for the de-facto complainant.

Mr. Aditi 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 it is a civil dispute between the parties. The complainant lodged a complaint against the petitioners though so many civil matter are pending before the concerned civil court since 2017. Therefore, the custodial interrogation of the petitioners are not required.

Learned advocate for the State and the learned advocate for the de-facto complainant oppose the prayer for anticipatory bail.

Considering the submissions as advanced by the learned advocates for the parties and after perusing the record, in our considered view, the custodial interrogation of the petitioners are not required.

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. 9441 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Kausik Chanda, J.)