

28.01.2021
Court No.28
rpan / 185

C.R.M. 359 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure ;

And

In Re : Manoj Mondal & Others
-Petitioners.

Ms. Sreyashee Biswas,
Ms. Benajir Hasna
....for the Petitioners.

Ms. Zareen N. Khan,
Mr. M.F.A. Begg
... for the State.

Apprehending arrest in connection with Farakka P. S.
Case No. 292 of 2020 dated 17.10.2020 under Sections
341/323/325/304/34 of the Indian Penal Code, the petitioners
have filed the present application.

The learned advocate for the petitioners submits that
the case was registered almost one month after the incident
on the basis of an application under Section 156(3) of the
Code of Criminal Procedure and there are no incriminating
materials which would implicate the petitioners in the instant
case. Additionally, the learned advocate submits that the FIR
and the manner in which the investigation is proceeding do
not make out a case for custodial detention of the present
petitioners, who are innocent of the charges.

The learned advocate for the State opposes the prayer and draws the attention of this Court to the statement of the eyewitness.

We have perused the materials in the case diary including the post-mortem report as well as the statement of the eyewitness, we find that allegedly the names of the petitioners involved while attacking the victim, who finally met his death in the hospital in the same day. Having regard to the complicity of the present petitioners, we are not inclined to extend the privilege of anticipatory bail to the present petitioners. As such, the prayer for anticipatory bail of the petitioners, *viz.* **1. Manoj Mondal, 2. Jiban Mondal and 3. Arun Mondal**, is rejected.

The application for anticipatory bail, being CRM 359 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)