

10.02.2021
Court No.28
Item No. 241
Krishnendu
Allowed

C.R.M. 428 of 2021

(Via video Conference)

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

And

In re: **Mithun @ Mithu Duley**

Petitioner

Mr. Sudip Kushari

For the Petitioner

Mr. Narayan Prasad Agarwala

Mr. Ashok Das

For the State

Apprehending arrest in connection with Kharagpur Local Police Station Case No. 522 of 2020 dated 28.08.2020 under sections 341/324/354/307/506/34 of the Indian Penal Code, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that there was a land dispute between the petitioner and the complainant. The petitioner was falsely implicated and no overt act has been attributed to the petitioner. Co-accused persons similarly situated had already been granted anticipatory bail by the learned Court below. In the said conspectus, custodial detention of the petitioner is not warranted. He further submits that in respect of the alleged incident, a complaint was also lodged by the petitioner herein and the same was registered and treated as an F.I.R.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial detention of the petitioner is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, **Mithun @ Mithu Duley**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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 application for anticipatory bail, being CRM No. 428 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)