

DI. May 19,
27. 2021

Through Video Conference

C.R.M. 1137 of 2021

In the matter of : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on January 28, 2021 in connection with Santipur Police Station Case No. 25 of 2020 dated January 14, 2020 under Sections 302/120B of the Indian Penal Code;

And

In the matter of : Monoj Monda & anr.	...petitioners.
Versus	
State of West Bengal	...opposite party.

Mr. Saikat Chatterjee,
Mr. Abdur Rakib,
...for the petitioners.

Mr. Saibal Bapuli,
Mr. Soumik Ganguli,
...for the State.

We have heard the learned advocates appearing for the parties and perused the case diary.

The learned advocate appearing on behalf of the petitioners submits that the petitioners have been falsely implicated in the instant case and the persons, similarly placed with that of the present petitioners have been granted bail and/or anticipatory bail by co-ordinate benches of this court at different points of time.

The learned lawyer appearing on behalf of the State, however, opposes the prayer for anticipatory bail. It is submitted on behalf of the State that the petitioners are directly involved in the commission of alleged offence. However, it has been fairly submitted that the petitioners, who have been granted bail and/or anticipatory bail by the co-ordinate benches of this court, are similarly placed with that of the present petitioners.

Our attention is drawn to an order passed by this court on May 18,

2021 in C.R.M. 3649 of 2021 (In re: Majanu Sk. @ Majnu Sk. & ors.) by which we have allowed the prayer for anticipatory bail of the petitioners in the said application.

In view of the indisputable fact that the present petitioners are similarly placed as that of the petitioners in C.R.M. 7639 of 2020 (Binoy Kar & ors. vs. State of West Bengal), C.R.M. 8640 of 2020 (Dipankar Chatterjee @ Dipankar Chattopadhyay vs. State of West Bengal), C.R.M. 10366 of 2020 (Arup Sarkar vs. State of West Bengal) and C.R.M. 3649 of 2021 (In re: Majanu Sk. @ Majnu Sk. & ors.) decided on October 13, 2020, December 1, 2020, March 22, 2021 and May 18, 2021 respectively, we are of the view that custodial interrogation of the petitioners is not necessary.

Under such circumstances, we direct that in the event of arrest of the petitioners, namely, **Monoj Mondal and Altab Mondal**, they shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand) only each with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer, subject to the conditions as laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure and on further condition that the petitioners shall not leave the jurisdiction of Santipur police station without the permission of the jurisdictional court.

The application for anticipatory bail is, thus, **allowed**.

dns

(**Suvra Ghosh, J.)**

(**Soumen Sen, J.)**