

29.07.2021

Court No.28
Item No.370
(Allowed)

Akd
&
As

CRM 1148 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Nazat Police Station Case No. 139 of 2019 dated 08.06.2019 under Sections 147/148/149/325/326/302 of the Indian Penal Code and under Sections 25 and 27 of the Arms Act;

And

In the matter of : **Sandip Mandal**

...Petitioner

Mr. Partha Ghosh,
Mr. Sagar Saha.

...For the Petitioner

Mr. Madhusudan Sur,
Mr. Monoranjan Mahata.

...For the State.

Apprehending arrest in connection with Nazat Police Station Case No. 139 of 2019 under Sections 147/148/149/325/326/302 of the Indian Penal Code and under Sections 25 and 27 of the Arms Act, the petitioner has filed the instant application for anticipatory bail.

The First Information Reports have been registered over the killing of persons supporting political party and the petitioner claims to be the brother of one of the deceased, who was killed by gunshot.

It is submitted by the learned Advocate for the petitioner that he is the victim of circumstances and, in fact, falsely implicated in the instant case even after he lost his brother because of the political vendetta.

The State strongly opposes the prayer for bail and draws our attention to the order of rejection of an application for anticipatory bail being CRM 385 of 2020 filed by the co-accused and submits that the petitioner standing on the same footing should not be extended the immunity from being arrest.

Undoubtedly the charge sheet has already been submitted. Our attention is drawn to the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure, which,

according to the State, discloses the complicity of the petitioner to the alleged offence.

After perusal of the aforesaid statements, prima facie, it is gathered that the principal accused was the brother of the petitioner, who was also killed subsequently and a separate First Information Report was registered. Though the name of the petitioner is disclosed in such statement, but there is no reflection of his role attributable to the killing of the deceased, as the principal accused remains his brother if such statement is taken to be sacrosanct.

It is also submitted that the Charge sheet has been filed.

In view of the above, we do not feel that any custodial interrogation of the petitioner is necessary.

The prayer for anticipatory bail is thus allowed.

Accordingly, in the event of arrest, the petitioner 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 of the concerned police station and on condition that he shall attend the Trial Court on every date of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

The application for anticipatory bail, being CRM 1148 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)