

28. 27.08.2021

Ct.32

Tanmoy

Allowed

**C.R.M. 1751 of 2021**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **11/02/2021** in connection with **Kaliachak Police Station Case No. 383/2020** dated **16/05/2020** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: - **Kalu Mandal @ Sujit**

....petitioner.

Mr. Amitabha Karmakar,  
Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. P.K. Datta, Ld. A.P.P.,  
Mr. Santanu Deb Roy

...for the State.

The allegation is that the petitioner and few other persons found the victim stealing a mobile phone, caught him and beat him to death. A case has been registered under Sections 302/34 of the Indian Penal Code.

The petitioner says that he was one of the persons; the other persons have all been granted anticipatory bail after being apprehended. Charge-sheet has been filed.

Learned Counsel for the State produces the Case Diary and draws our attention to a statement of an eyewitness recorded under Section 161 of the Code of Criminal Procedure. The said person named all the accused people including the petitioner.

We have considered the material in the Case Diary and the overall facts and circumstances of the case. The other accused persons have been granted bail by the learned trial

Court. Since charge-sheet has been filed already, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he is willing to co-operate with further investigation, if any.

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 and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application being C.R.M. 1751 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

**(Bivas Pattanayak, J.)**

**(Arijit Banerjee, J.)**