

08.10.2021
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Allowed

CRM 2308 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Harishchandrapur P.S Case No. 391 of 2020 dated 21.6.2020 under Sections 341/326/324/379/307/34 of the Indian Penal Code.

And

**In the matter of: Nikhil Mondal & Ors.
... Petitioners**

Mr. Soupal Chatterjee
.... For the Petitioners

Mr. Arijit Ganguly
Mr. Avik Ghatak For the State

Learned counsel appearing for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case.

Learned counsel appearing for the State has produced the case diary and opposes the prayer for anticipatory bail and submits that the petitioner no. 3 has been arrested during the pendency of this application. However, in all fairness, learned counsel for the State has submitted that charge sheet has already been filed in this case. He further submits that on 1st December, 2020 Ashutosh Mondal was granted anticipatory bail by a coordinate bench in CRM 8029 of 2020.

Learned counsel appearing for the petitioners submits that present petitioners are standing on the same footing as that of Ashutosh Mondal.

Having considered the materials in the case diary and bearing in mind the nature of allegations in the light of the submission that there was a free fight between the parties and in view of the nature of injury, as revealed from the case

diary and also having regard to the fact that charge sheet has already been filed, we are of the view that although custodial interrogation of the petitioners may not be necessary in the facts of the case, but their movement requires to be restricted through some stringent conditions.

Accordingly, we direct that in the event of arrest of the petitioners, **except the petitioner no. 3 Sudhir Mondal**, they shall be enlarged on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall obtain regular bail from the trial court below within ten weeks from date.

This order shall remain valid for ten weeks.

The application for anticipatory bail is, thus allowed.

CRM 2308 of 2021 is thus disposed of.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this court.

(Rabindranath Samanta,J)

(Soumen Sen,J.)