

27.09.2021
Item no.26.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2733 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 16.3.2021 in connection with Haringhata Police Station Case No.243 of 2020 Dated 19.09.2020 under Sections 302/34 of the Indian Penal Code

And

In the matter of : Surabuddin Mondal

.....Petitioner.

Ms. Minoti Gomes,
Mr. M. H. Chowdhury,
Mr. Suman Karmakarfor the Petitioner.

Mr. P. K. Dutta, Id. APP,
Mr. Santanu Debroyfor the State.

The petitioner says that one Ali Akbar Mondal, who is the prime accused and the father of the petitioner, assaulted the victim, who is the brother of Ali Akbar Mondal, with a wooden bar, in connection with a land dispute. The victim succumbed to the injury that he suffered. The petitioner had no role to play in the incident. Ali Akbar Mondal is on bail.

We have seen the material in the case diary including statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. What the petitioner says appears to be

correct. There is no direct implication of the petitioner in the alleged offence. Charge sheet has been submitted.

In view of the aforesaid, we are of the opinion that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely Surabuddin Mondal 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 until further orders.

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 for anticipatory bail being C.R.M. No.2733 of 2021 is, thus, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

