

23.09.2021

CRM 2867 of 2021

Court No.28
Item No.182
(ALLOWED)

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 19.03.2021 in connection with Kumarganj Police Station Case No. 157 of 2020 dated 28.09.2020 under Sections 341/326/307/506/34 of the Indian Penal Code (G.R. Case No. 936 of 2020);

And

In the matter of : **Bimal Mondal and another.**

...Petitioners

**Mr. Kaushik Chaudhury,
Ms. Busra Khatun.**

...For the Petitioners

**Mr. S. S. Imam,
Mr. S. Kundu.**

... For the State

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Kumarganj Police Station Case No. 157 of 2020 dated 28.09.2020 under Sections 341/326/307/506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

It is submitted by the learned Advocate for the petitioners that they are falsely implicated in connection with the instant case and there was a previous enmity between them in respect of a landed property.

The State opposes the prayer for anticipatory bail and relies upon the injury report as well as the statement recorded under Section 161 of the Code of Criminal Procedure.

After hearing the respective Counsels and on perusal of the

materials from the case diary including the statement of the injured person and the extent of injury suffered by the injured, we find that the principal accused is Indra @ Indrajit Mondal.

Considering the role attributed to the commission of offence so far as it relates to the petitioners are concerned, it does not inspire us that any custodial interrogation is required. Furthermore, the charge-sheet has already been submitted.

Accordingly, we direct that in the event of arrest the petitioners shall be released 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 learned Chief Judicial Magistrate, Dakshin Dinajpur and also 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 appear before the Trial Court on every date of hearing until further orders.

In the event the petitioners fail to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for anticipatory bail being CRM 2867 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)