

CRM 3355 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dhantala Police Station** Case No. **70 of 2021** dated **21.02.2021** under Sections **448/326/307/34** of the Indian Penal Code.

- A n d -

In the matter of : Nitai Mondal & Ors.

.... Petitioners.

Mr. D. Chatterjee
Mr. P. Majumdar,

... For the Petitioners.

Mr. S. Bapuli, Ld. APP
Mr. A. Ganguly,
Mr. S. Kumar Dan

... For the State.

Leave is granted to the learned Advocate for the petitioners to correct the cause title of the petition.

The petitioners say that they have no role to play in the alleged incident. The son of the first two petitioners and the husband of the third petitioner, namely, one Amir Mondal, is the prime accused. He entered into the house of the defacto complainant at night and inflicted stab injury on the complainant's son, his wife and his son.

We have seen the material in the case diary. The allegations are directed mainly against Amir Mondal, who we are told, was apprehended and enlarged on bail by the learned Trial Court. *Prima facie* there does not seem to be incriminating material against these petitioners.

On an overall assessment of the material on record and the possible extent of complicity of these petitioners in the alleged offence, although charge sheet is yet to be submitted, we are of the

view that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Nitai Mondal, Jamuna Mondal** and **Indrani Mondal** 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 arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3355 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)