

13.12.2021
Sl. No.40
akd
[ALLOWED]

C. R. M. 4261 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 28.04.2021 in connection with Pukhuria Police Station Case No. 42 of 2021 dated 08.02.2021 under Sections 341/323/376/511/34 of the Indian Penal Code. (G.R. Case No.308 of 2021)

And

In Re: ***Subodh Mandal & Ors.***

... .. Petitioners

Mr. Kallol Mondal
Mr. Musharraf Alam Sk.

... .. for the petitioners

Mr. S. S. Imam
Mr. Subrato Roy

... .. for the State

It is submitted on behalf of the petitioners that there is delay in lodging FIR. There is a domestic dispute between the parties. Daughter of petitioner no.1 had lodged a criminal case against the relations of the de-facto complainant. In retaliation, the present case has been registered.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Medical report does not show presence of any external injury on the body of the victim. In view of the aforesaid facts and as the possibility of false implication due to pre-existing enmity cannot be ruled out, we are of the opinion that custodial interrogation of the accused/petitioners may not be necessary in the facts of the present case and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Subodh Mandal, (2) Sachin Mandal @ Shchin Mandal & (3) Arabinda Mandal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer 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 court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)