

CRM No.4605 of 2021

Via video conference

30.11.21

(S.R.)

Sl.193

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Ratua** Police Station Case No.268 of 2021 dated 02/06/2021 under Sections 341/324/326/34 of the Indian Penal Code (G.R. Case No.1189 of 2021);

And

In re: Manglu Mondal @ Manglu Mandal & Ors.

... petitioners.

Mr. Arup Sarkar

Mr. Asif Dewan

... for the petitioners.

Ms. Zarin N. Khan

Ms. Sujata Das

...for the State.

The learned advocate appearing for the petitioners submits that the petitioner no.4 is aged about 78 years and he along with his sons have been falsely implicated since there had been a subsisting land dispute between the parties and the present case has been preferred as a counter blast to complaint lodged on behalf of the petitioners. The allegations are *omnibus* in nature and in the said conspectus, custodial interrogation of the petitioners is not warranted.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code and the injury report.

Having heard the learned advocates and considering the materials in the case diary, the injury report and the extent of complicity of the petitioner nos1, 2 and 3, we are not inclined to exercise any discretion in their favour more so when investigation is still continuing and as such, their prayer for anticipatory bail is refused. however, the petitioner no.4 is an aged person of 78 years and *prima facie*, there is no likelihood he would flee from justice or interfere

with the investigation

Accordingly, we direct that in the event of arrest the petitioner no.4, namely, **Nepal Mondal @ Nepal Mandal @ Kalu Mondal** will 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail being CRM No.4605 of 2021 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)