

11.11.2021

CRM 5145 of 2021

court no. : 28
Item no. : PB-16
matter : 438
status : ALLOWED
transcriber : nandy

In Re:- An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 02.08.2021 in connection with Manbazar Police Station Case No. 18 of 2021 dated 17.04.2021 under Sections 447/354/511/326/323 of the Indian Penal Code. (G.R. Case No. 486 of 2021)

and

In the matter of: **Gobinda Mudi**

.....Petitioner

Mr. Pawan Kumar Gupta, Advocate

Mr. Sougata Mitra, Advocate

Ms. Sofia Nesar, Advocate

Mr. Santanu Set, Advocate

.....for the Petitioner

Ms. Sukanta Bhattacharya, Advocate

Mr. Nirupam Dhali, Advocate

.....for the State

Apprehending arrest in connection with Manbazar Police Station Case No. 18 of 2021 dated 17.04.2021 under Sections 447/354/511/326/323 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

Learned Advocate appearing for the petitioner submits that there was a dispute between the parties that led to a scuffle and injury was caused which does not appear to be fatal in nature. It is further submitted that chargesheet has already been filed and there is no requirement of custodial interrogation.

Learned Advocate for the State opposes the prayer for bail and submits that the injured person has clearly disclosed the name of the petitioner.

After hearing the respective Counsel and after perusing the materials-on-record including the injury report and the

criminal findings recorded by the court below, we do not think that custodial interrogation of the petitioner is required. Furthermore, chargesheet has already been submitted but charges have not yet been framed.

In view of the above, the prayer for anticipatory bail is **allowed**.

Accordingly, in the event of arrest the petitioner namely, **Gobinda Mudi**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) , with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer, on condition as laid down under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioner shall attend the court case on every date of hearing in default of which the privilege of Section 438 of the Code shall be withdrawn.

The application for anticipatory bail being **CRM 5145 of 2021** is thus **disposed of**.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)