

CRM 5274 of 2021

In Re : - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nayagram P.S. Case No. 21 of 2021 dated 21.03.2021 under Sections 341/326/34 of the Indian Penal Code.

AND

In the matter of : Gunadhar Mahato & Anr.

Mr. Prabir Mitra
Mr. Pinak Mitra For the Petitioners

Mr. Narayan Prasad Agarwal
Mr. Ashok Das ... For the State

Having considered the materials on record and bearing in mind the prima facie involvement of the petitioner no. 1 husband in assaulting the deceased and causing head injury which is supported by medical evidence, we are not inclined to grant anticipatory bail to the petitioner no. 1.

However, keeping in mind the extent of complicity of petitioner no. 2, brother-in-law in the alleged crime, we are of the opinion that custodial interrogation of the petitioner No. 2 is not necessary.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioner No. 2.

Accordingly, we direct that in the event of arrest the petitioner No. 2, Haladhar Mahato shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner

No. 2 shall appear before the Court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi J.)