

07.12.2021

Court No.32
rpan / 194

CRM 5312 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : **Biswajit Mondal**

- Petitioner

Mr. Asraf Mondal

... for the Petitioner.

Mr. Partha Pratim Das,

Ms. Manasi Roy

... for the State.

Apprehending arrest in connection with Tehatta P.S. Case No.299 of 2021 dated 06.06.2021 under Sections 448/323/325/354/307/506/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There was a previous dispute between the parties. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not warranted. The other co-accused persons have already been granted anticipatory bail by the learned Sessions Judge.

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

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the injury

report and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Biswajit Mondal** shall 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 with a further condition that he shall not enter the jurisdiction of Tehatta Police Station until further orders, save and except for attending the learned court below on the dates specified for hearing. The petitioner shall also immediately intimate the address where he would be residing to the investigating officer of the case.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 5312 of 2021 is, thus, 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.)