

09.12.2021
Item no.160
Court No.32
Avijit Mitra

C.R.M. 5492 of 2021

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

And

In Re : Sudam Mandal

.... petitioner

Mr. Sujoy Sarkar,
Mr. Musharraf Alam Sk.

....for the petitioner

Mr. P.K. Dutta,
Mr. Santanu Deb Roy

..... for the State

Apprehending arrest in connection with Malda Police Station Case No.212 of 2021 dated 07.05.2021 under Sections 498A/325/308/313/506/34 of the Indian Penal Code and under Sections 3/4 of the D.P.Act, the present application has been preferred.

Mr. Sarkar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The accusations are omnibus in nature and no overt act has been attributed to the petitioner. In the said conspectus, custodial interrogation is not warranted.

Mr. Deb Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of the witnesses as recorded under Section 161 of the Code and the injury report.

Prima facie, the injury reports do not corroborate the allegations as levelled in the complaint. Considering the nature

of such allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sudam Mandal**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall meet with the investigating officer once a week on and from 14th December, 2021 till investigation is complete.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.5492 of 2021 is 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.)

