

25.11.2021
Court No.32
rpan / **134**

C.R.M. 7038 of 2021

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

And

In re: **Goutam Mondal & 3 Others**

.....Petitioners

Mr. Amanul Islam,

Mr. Sourav Mukherjee

....For the Petitioners

Ms. Sukanya Bhattacharya,

Mr. Nirupam Dhali

....For the State

Apprehending arrest in connection with Tehatta Police Station Case No. 412 of 2020 dated 26.09.2020 under Sections 448/325/326/307/504/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. On the basis of an order passed in an application under Section 156(3) of the Code of Criminal Procedure, the complaint was lodged. The allegations are omnibus in nature and in view thereof, custodial interrogation is not necessary.

Ms. Bhattacharya, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

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

alleged offence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **1. Goutam Mondal, 2. Bhollanath Mondal, 3. Saptami Mondal** and **4. Anjali Mondal**, shall be released on bail upon furnishing a bond of ₹10,000/- each 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.

As investigation is still in progress, the petitioner nos.1 and 2 shall meet with the investigating officer once a week on and from 6th December, 2021 till the investigation is over.

It is further directed that the petitioners shall attend the learned Trial Court on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 7038 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.)