

23.12.2021
Item no. 228
Court No.32
Avijit Mitra

C.R.M. 7623 of 2021

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

And

In Re : Binoy Mandal @ Binay Mandal

.... petitioner

Mr. Sourav Chatterjee,
Mr. Soumya Nag

....for the petitioner

Mr. S.S. Imam,
Mr. Arabinda Manna

..... for the State

Apprehending arrest the instant application is filed in connection with Baishnabnagar Police Station Case No.109 of 2021 dated 27.03.2021 under Sections 498A/307/494/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Mr. Chatterjee, learned lawyer representing the petitioner submitted, that the present petitioner is the brother-in-law of the victim. The allegation is omnibus in nature. No substantive role is identified implicating the present petitioner in the alleged offence. According to Mr. Chatterjee, since chargesheet has been filed and investigation is complete, custodial interrogation is not necessary.

Per contra, learned lawyer representing the State submitted, that there are incriminating materials against the present petitioner as it appears from the statement of the witnesses and other materials available in the case diary. Accordingly, anticipatory bail is opposed.

We have heard rival submissions and perused the case diary. Investigation is complete. Chargesheet has been filed. Allegations are omnibus in nature. No injury report is noticed. On perusal of case diary and other materials and considering the fact that investigation is over and chargesheet has been filed, we feel that custodial detention is not necessary and accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Binoy Mandal @ Binay 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 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.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

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 bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 7623 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.)

