

06.07.2021

Court No.30

rpan / **04**

CRM 8499 of 2020
(Via video Conference)

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

And

In Re : **Subodh Mandal & Others**

...Petitioners

Mr. Soupal Chatterjee

... for the Petitioners.

Mr. Nguive Ahmed,

Md. Anwar Hossain,

Ms. Manisha Sharma

... for the State.

Apprehending arrest in connection with Harishchandrapur P.S. Case No.395 of 2020 dated 23.06.2020 under Sections 143/144/186/332/333/353/307/34 of the Indian Penal Code, the petitioners have filed the present application.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated by the police authorities while conducting raid in connection with Harishchandrapur Police Station Case No.391 of 2020 dated 21st June, 2020. No overt act has been attributed to the petitioners and the principal accused is one Budhan Mondal. Similarly situated accused persons have already been granted anticipatory bail. Upon completion of investigation, charge-sheet has also been filed and as such, custodial interrogation of the petitioners is not necessary.

Mr. Hossain, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the

statements of the witnesses, as recorded under Section 161 of the Code and the injury reports.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the injury reports and the extent of involvement of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case. As such, the petitioners' prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Subodh Mandal, 2. Ashok Mandal, 3. Ganesh Mandal, 4. Rintu Mandal, 5. Pachu Mandal @ Panchu Mandal** and **6. Judhistir Mandal**, 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 with a further condition that the petitioners shall meet with the Officer-in-charge, Harishchandrapur Police Station once a week on and from 12th July, 2021 until further orders.

The petitioners are also directed to attend the trial court on all the dates as specified for hearing and will not tamper with the evidence or intimidate the witnesses.

It is further made clear that in the event they fail to comply with the conditions without any justifiable cause, the learned trial court shall be at liberty to cancel their bail, in accordance with law, without any further reference to this Court.

The application for anticipatory bail, being CRM No. 8499 of 2020 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)