

C.R.M. 10844 of 2020 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Nandakumar Police Station Case No.231 of 2020 dated 09.08.2020 under Sections 447/323/325/354/506/34 of the Indian Penal Code and subsequently added Sections 326/307 of the Indian Penal Code;

And

In Re : Mukuldeep Maiti

.... Petitioner

Mr. Mazhar Hossain Chowdhury
...for the petitioner

Mr. Abhra Mukherjee,
Mr. Goutam Banerjee
...for the State

The learned advocate appearing for the petitioner submits that the petitioner is an engineering student residing at Jalpaiguri. He has been falsely implicated in the incident which occurred on 8th August, 2020. The allegations levelled against the petitioner are unfounded and there had been a long-standing dispute between the family of the petitioner and the *de facto* complainant in respect of which civil proceedings are pending. Upon completion of investigation chargesheet has also been filed. In view thereof, custodial interrogation of the petitioner is not necessary.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the injury report.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the injury report and since it appears that the civil proceedings are pending among the parties, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Mukuldeep Maiti**, shall be released on anticipatory bail upon furnishing a bond of Rs.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.

Accordingly, the application being C.R.M. No. 10844 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)