

CRM No.10850 of 2020

09.03.21 In re: An application for anticipatory bail under Section 438 of the  
(S.R.) Code of Criminal Procedure filed in connection with **Harishchandrapur**  
Sl.140 Police Station Case **No.391 of 2020** dated **21.06.2020** under Sections  
Ct.28 **341/324/326/307/379/34** of the Indian Penal Code, 1860;

And

**In re: Nikhil Mandal & Ors.**

**... petitioners.**

Mr. Kalidas Saha

... for the petitioners.

Mr. Rana Mukherjee, Ld.APP

Mr. Goutam Wilson

...for the State.

The learned advocate appearing for the petitioners submits that there is no direct allegation against the petitioners herein. One of the co-accused persons has already been granted anticipatory bail by a Coordinate Bench of this Court. In the said conspectus, custodial interrogation of the petitioners is not necessary.

The 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 submits that the co-accused person, who had been granted anticipatory bail, is not similarly situated with the petitioners.

We have perused the materials in the case diary, the statements of the witnesses, as recorded under Section 161 of the Code and the injury reports. Considering the nature of allegations and the extent of complicity of the petitioners, we are of the opinion that custodial interrogation of the said petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioners namely, **1. Nikhil Mandal, 2. Abhimannu @ Mannu Mandal, 3. Sudhir Mandal and 4. Karick Mandal** shall be released on 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 and a further condition that the petitioners shall stay outside the jurisdiction of **Harishchandrapur** Police Station save and except for attending the trial court on the dates fixed for hearing. The petitioners shall also intimate the address where they would be residing to the officer-in-charge of the **Harishchandrapur** Police Station.

Accordingly, the application for anticipatory bail being CRM No.10850 of 2020 is allowed.

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

**(Tirthankar Ghosh, J.)**

**(Tapabrata Chakraborty, J.)**