

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

21.09.2021

Court No.01
rpan / **27**

C.R.M. 68 of 2021

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

And

In Re : **Mangal Das & 6 Others**

- Petitioners.

Mr. Arijit Ghosh

... for the petitioners.

Mr. Abhijit Sarkar,

Mr. Biswarup Roy

... for the State.

Apprehending arrest in connection with Maynaguri Police Station Case No.457 of 2020 dated 03.11.2020 under Sections 143/447/341/323/379/427/506/354/307/435 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Ghosh, learned advocate appearing for the petitioners submits that during pendency of the present application the petitioner no.4, namely, **Paresh Roy** had already expired and in view thereof, the said application, so far as the said petitioner has become infructuous.

Mr. Ghosh submits that the petitioners are the local villagers, who have been falsely implicated in a purported incident which occurred on 26th October, 2020. On the said date a girl was electrocuted and she ultimately succumbed to her injuries. Alleging that the petitioners had abused and assaulted the *de facto* complainant, a complaint was lodged about seven days after the death of the girl. The allegations levelled against the petitioners are absolutely unfounded and there had been a case and counter-case and

political rivalry between the parties. In the said conspectus, custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case.

The learned advocate appearing for the State, however, disputes the contention of the petitioners and opposes their prayer for anticipatory bail contending that there are materials on record which clearly reveal the direct involvement of the petitioners in the alleged incident. In support of such contention, he draws our attention to several documents in the case diary.

Prima facie, there had been a case and counter-case between the parties. The complaint in the present case was lodged about seven days after the alleged death of the girl due to electrocution. Considering the nature of accusations and the extent of complicity, we are of the opinion that custodial interrogation of the petitioners is not necessary. However, to instill confidence in the mind of the witnesses, the movement of the petitioners need to be restricted.

Accordingly, we direct that in the event of arrest, the petitioner nos.1, 2, 3, 5, 6 and 7, namely, **Mangal Das, Ananta Roy, Pradip Roy, Tarun Roy, Jagadish Roy** and **Rafikul Islam** respectively 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 on further condition that they shall not enter the jurisdiction of Maynaguri Police Station, save and except for meeting with the

investigating officer once in a week on and from 29th September, 2021 until further orders.

The petitioner nos.1, 2, 3, 5, 6 and 7 shall also immediately intimate the address where they would be residing to the investigating officer.

With the above observations, the application for anticipatory bail, being CRM 68 of 2021 is, thus, allowed.

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

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)