

14.12.2021
SL No.50
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1116 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Dinhata Police Station Case No.160 of 2021 dated 04.04.2021 under Sections 341/323/325/307/34 of the Indian Penal Code.

And

In the matter of : **Arjun Mandal**

- Petitioner.

Mr. Sudip Guha,
... For the Petitioner.

Mr. Kallol Acharjee,
Ms. Namrata Das,
... For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated due to political rivalry and other co-accused persons have been granted anticipatory bail by the Coordinate Bench. Our attention is drawn to an order passed on 17th August, 2021 in respect of some of the co-accused persons. It is further submitted that the petitioner is placed in the same footing as that of the co-accused persons in CRM 759 of 2021.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the victim has named the present petitioner amongst others. However, in all fairness, it is submitted that the petitioners in CRM 759 of 2021 were granted

anticipatory bail stand on the same footing as that of the present petitioner.

In view of the aforesaid submission and also having regard to the materials available on record and the nature and extent of complicity of the petitioner in the commission of alleged offence and also having regard to the fact that the Coordinate Bench has granted anticipatory bail to the persons similarly placed as that of the present petitioner and having regard to the fact that the charge-sheet has already been filed, we are of the opinion that the custodial interrogation of the petitioner is not necessary. Accordingly, we are inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Arjun Mandal**, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 the petitioner shall appear before the learned trial court on each and every date of hearing.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No.1116 of 2021 is, thus, disposed of.

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

(Biswajit Basu, J.)

(Soumen Sen, J.)