

CRM(A) No.158 of 2022

Via video conference

04.02.22

(S.R.)

Sl.34

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Santipur** Police Station Case No.494 of 2021 dated 15/07/2021 under Sections 306/34 of the Indian Penal Code;

And

In re: Anup Kumar Mondal @ Anup Mondal ... petitioner.

Mr. Sankar Paul

... for the petitioner.

Mr. Iabal Kabir

... for the State.

Mr. Paul, learned lawyer for the petitioner submitted that the present petitioner has been falsely implicated, as he is neither FIR named nor his name is mentioned by any of the witnesses. He has no complicity in the alleged offence. Since investigation is complete, custodial detention of the present petitioner is not necessary. He further submitted that principal accused persons are enlarged on bail. Therefore, he prays for bail on behalf of the petitioner.

Mr. Kabir, learned lawyer for the State submitted that name of the petitioner transpires from the confessional statements of the accused persons. However, he opposes the grant of bail. He admitted that name of the present petitioner is absent in the written complaint.

We have heard rival submissions and perused the case diary.

It appears that the present petitioner is neither named in the FIR nor in the suicidal note left by the victim. Even the statements of witnesses are also silent on participation of the present petitioner in the alleged offence but his name transpires from the statements of the accused persons. Charge sheet in this case has been filed and investigation is complete. Considering the extent of incriminating elements against the petitioner and that custodial detention is not

necessary for interrogation as charge sheet has been filed, we are inclined to allow anticipatory bail to the present petitioner.

Accordingly, we direct that in the event of arrest the petitioner will 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 with a further condition that the petitioner shall attend the learned trial court on all the dates specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.158 of 2022 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)