

CRM(A) No.162 of 2022

Via video conference

01.02.22

(S.R.)

Sl.59

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kaliachak** Police Station Case No.576 of 2021 dated 04/06/2021 under Sections 341/363/326/307/34 of the Indian Penal Code;

And

In re: Prosenjit Mandal

... petitioner.

Ms. Pramita Banerjee

... for the petitioner.

Mr. S.S. Imam

Mr. Arabinda Manna

...for the State.

Heard the learned lawyer for the petitioner and perused the case diary.

Charge sheet in this case has been filed. The name of the present petitioner neither appears in the written complaint nor transpires from the statements of the witnesses, as recorded under Section 161 of the Code of Criminal Procedure. As such we are not able to find strong incriminating materials against the present petitioner or his direct complicity in the alleged crime. Since, charge sheet has been filed custodial detention for interrogation is not necessary.

Therefore, we are inclined to allow anticipatory bail on 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.

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

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.162 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.)