

CRM (A) 240 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Paban Mandal & Ors.**

..... petitioners

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

.....For the petitioners

Mr. Saibal Bapuli, Ld. APP
Mr. Soumik Ganguli

.....For the State

Apprehending arrest in connection with Baishnabnagar Police Station Case No. 280 of 2019 dated 13.06.2019 under Sections 447/341/323/326/34 of the Indian Penal Code and Sections 3/4 of the E. S Act, the present application has been preferred.

Heard the learned advocates appearing for the respective parties.

Having considered the materials in the case diary and bearing in mind the nature of accusations, the injury report in the light of the submissions as advanced by the respective parties and in view of the fact that upon completion of investigation, charge sheet has been submitted, we are of the opinion that custodial interrogation is not necessary moreso when, *prima facie*, the

statements of the witnesses do not corroborate the injury report.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Paban Mandal, Sushil Mandal, Shubajay Mandal @ Suvajoy** and **Bikash 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 with a further condition that the petitioners shall not enter the jurisdiction of Baishnabnagar Police Station until further orders. They shall also intimate the address where they would be residing to the said Officer-in-Charge of Baishnabnagar Police Station.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 240 of 2022, is, thus, 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.)