

4 17.02.2022
(AD) Court No.29
(Partly
Allowed)

C.R.M. (A) 461 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mongalkote** P.S. Case No. **34 of 2021** dated **27/01/2021** under Sections **341/326/307/302/120B/212/34** of the Indian Penal Code.

And

In the matter of: Sanjoy Mondal @ Sanjoy Sardar & Ors.
....petitioners.

Mr. Milan Mukherjee, Sr. Adv.
Mr. Dattatreya Dutta

...for the petitioners.

Mr. Neguive Ahmed, Ld.APP
Ms. Amita Gaur

...for the State.

Petitioners seek anticipatory bail.

Learned Senior Advocate appearing for the petitioners submits that the petitioners were falsely implicated. The police submitted charge sheet. There is no order of proclamation of arrest issued as against the petitioners.

Learned Additional Public Prosecutor refers to the statements recorded under Section 164 of the Code of Criminal Procedure. He submits that all the petitioners are named in the statements recorded under Section 164 of the Code of Criminal Procedure.

It appears from one of the statements recorded under Section 164 of the Code of Criminal Procedure that the petitioner no.8, namely, Amit Jash @ Hasu is named as one of the assailants.

Considering such statements, we are unable to grant anticipatory bail to the petitioner no.8, namely, Amit Jash @ Hasu. Accordingly, the prayer for anticipatory bail of the petitioner no.8, namely, Amit Jash @ Hasu is rejected.

Considering the materials in the case diary and

considering the statements recorded under Section 164 of the Code of Criminal Procedure and considering the fact that the police submitted charge sheet, we grant anticipatory bail so far as the petitioner nos.1 to 7, namely, Sanjoy Mondal @ Sanjoy Sardar, Dipak Ghosh, Dayal Sardar, Dulal Ghosh, Mrinmoy Ghosh, Bikash Ghosh and Ujjwal Malik are concerned.

Accordingly, we direct that in the event of arrest, the petitioner nos.1 to 7 shall be released on bail upon furnishing a Bond of Rs.10,000/-(Rupees Ten Thousand Only) each with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos.1 to 7 shall appear before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioner nos.1 to 7 shall appear before the Court below on every date fixed for hearing.

The prayer for anticipatory bail of the petitioner nos. 1 to 7,namely, Sanjoy Mondal @ Sanjoy Sardar, Dipak Ghosh, Dayal Sardar, Dulal Ghosh, Mrinmoy Ghosh, Bikash Ghosh and Ujjwal Malik is allowed.

The application for anticipatory bail being **C.R.M. (A) 461 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)