

03.03. 2022

Court No.32
rpan / **29**

CRM (A) 501 of 2022

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In Re.: **Sudeb Mondal & Others**

- Petitioners

Mr. Manas Kumar Das,
Mr. Asraf Mandal
... for the Petitioners.

Mr. Arijit Ganguly,
Mr. Avik Ghatak
... for the State.

Apprehending arrest in connection with Tehatta Police Station Case No.09 of 2022 dated 03.01.2022 under Sections 341/323/325/307/34 of the Indian Penal Code, the petitioners have filed the present application.

Mr. Das, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in a dispute amongst the parties towards repayment of a loan amount. No specific overt act has been attributed to the petitioners and as such, custodial interrogation may not be necessary.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the injury report and the statements of the witnesses.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the nature of injury and the possible extent of complicity of the petitioners in the

alleged offence, we are of the opinion that their custodial interrogation is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely **Sudeb Mondal, Shyamal Mandal, Ashis Mondal** and **Lakshmi Mandal** 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, 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 petitioners shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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 their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 501 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.)