

03.03.2022

Court No.32

SM,J.

rpan / **30**

CRM (A) 502 of 2022

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

And

In Re: **Nitai Mandal**

- Petitioner

Ms. Minoti Gomes,
Mr. Musharraf Alam Sk.
... for the Petitioner.
Mr. Shiladitya Banerjee
... for the State.

Apprehending arrest in connection with Bamongola Police Station Case No. 201 of 2021 dated 19.11.2021 under Sections 448/325/308/354/506/34 of the Indian Penal Code, the petitioner has filed the present application, praying for anticipatory bail.

Ms. Gomes, learned lawyer appearing for the petitioner submitted that the present petitioner is falsely implicated in this case. The other accused, who was arrested, was subsequently enlarged on bail by the Learned Court below. Since investigation is complete, custodial detention is not necessary. Accordingly, she prayed for anticipatory bail.

Mr. Banerjee, learned lawyer appearing for the State, invited our attention to the medical documents and submitted that physical assault resulted in fracture of bone of the victim. He opposes bail considering the seriousness of the offence.

Heard the learned lawyers and perused the C.D.

The injury report, which is brought to our notice, is about three months prior to the date of the alleged incident. There is nothing in the record to show that the alleged incident caused any grievous hurt to the victim or caused any other serious injury.

On perusal of the C.D. and other materials on record and statements of the witnesses and keeping in mind that investigation is complete, we are inclined to allow the present application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Nitai Mandal** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 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 petitioner fails to comply with the aforesaid directions, without any justifiable cause, the Learned Court below shall be at liberty to his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 502 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.)