

08.03.2022

Court No.32
rpan / 24
SM,J.

CRM (A) 552 of 2022

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

And

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

- Petitioners

Mr. Dibyendu Chatterjee,
Ms. Reshmi Ghosh,
Mr. Dhilon Sengupta,
Ms. Piyali Paul

... for the Petitioners.

Mr. N. P. Agarwala,
Mr. Pratick Bose

... for the State.

Mr. Avishek Sinha,
Ms. Jonaki Saha

... for the *De Facto* Complainant

Apprehending arrest in connection with Kaliachak Police Station Case No.49 of 2022 dated 12.01.2022 under Sections 341/323/325/326/307/34 of the Indian Penal Code, 1860, the petitioners file the instant application praying for anticipatory bail.

Ms. Ghosh, learned lawyer appearing for the petitioners submitted that the instant allegation is result of mutual animosity and hostility between the parties involving case and counter-case. The present petitioners themselves also sustained injuries in the tussle that took place between the parties. They are, in fact, falsely implicated in this case. Custodial detention of the petitioners for interrogation is not necessary. Accordingly, she prayed for anticipatory bail on any stringent condition.

Mr. Bose, the learned lawyer appearing on behalf of the State strongly opposed the anticipatory bail of the petitioners. Inviting our attention to the injury report of Desun Hospital, statements of the witnesses and the seizure memo, he submitted that the

allegation is very grave and serious in which the life of the injured was at stake. Since investigation is still pending, the present petitioners, according to him, should not be enlarged on anticipatory bail.

Mr. Sinha, the learned lawyer appearing on behalf of the *de facto* complainant submitted that the case involves very serious allegations against the present petitioners. He further submitted that the injured was in ventilation as a result of injury sustained. Accordingly, he opposed the anticipatory bail of the present petitioners.

We have heard rival submissions and perused the C.D.

Statement of witnesses, coupled with medical reports and seizure list, indicate commission of a serious offence in which the present petitioners had active complicity and participation. We are told that investigation is still pending. In such case custodial detention for interrogation may be needed. Therefore, at this stage we are not inclined to allow the instant anticipatory bail and the same stands rejected.

The application for anticipatory bail, being CRM (A) 552 of 2022 is, thus, dismissed.

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.)