

07.03.2022

19

Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M. (A) 1091 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **384** of **2021** dated **20.11.2021** under Sections 448/324/325/307/506/34 of the Indian Penal Code, 1860.

And

In Re : Malay Mandal & Anr.

..... petitioners

Mr. Mrityunjoy Chatterjee
Mr. Susnigdho Bhattacharya

....for the petitioners

Mr. Bidyut Kumar Roy
Ms. Rita Dutta

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioner submits that, the incident arose out of enmity. The police filed charge-sheet.

Learned advocate appearing for the State draws the attention of the Court to the injury report. He submits that, the first petitioner was squarely complicit in the incident.

Considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioner no. 1 (Malay Mandal). We, however, grant anticipatory bail to the petitioner no. 2 (Sankari Mandal).

Accordingly, we direct that in the event of arrest the petitioner No. 2 shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no. 2 shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)