

18.04.2022
Serial no.10
Aloke

CRM (A) 1709 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Malda Police Station Case No. 611 of 2021 dated 29.12.2021 under Sections 363/365/506/34 of the Indian Penal Code.

-And-

In the matter of : **Ukil Mandal & Ors.**

... .. Petitioners

Mr. Amitabha Karmakar, Advocate

Mr. Arup Kr. Bhowmick, Advocate

... .. For the Petitioners

Mr. P.K. Datta, Id. APP

Mr. Subrata Roy, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated in view of the particular political ideology that the petitioners subscribe.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. He refers to an instruction received by him dated April 16, 2022.

On the previous occasion, when the application was heard, noticing the fact that the alleged abduction took place in front of a petrol pump, the police were requested to produce the close circuit television footage of the incident if it was available with the petrol pump.

It appears from the instruction dated April 16, 2022 that no such footage is available. Moreover, the employees of the petrol pump stated that they did not witness the alleged incident.

Considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall report before the Investigating Officer as and when called for and on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 1709 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)