

08.06.2022

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Allowed

C.R.M.(A) 2395 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 659 of 2022 dated 28.04.2022 under Sections 341/323/325/ 326/354/ 379/ 506/34 of the Indian Penal Code.

And

In Re : Sri Dharmadas @ Dharma Mandal @ Dharmadas Mandal & Ors. petitioners

Mr. Tanmay Basu
Mr. Ranajoy Chatterjee
Mr. Debdip Mandal

.....for the petitioners

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

....for the State

Learned Counsel appearing for the petitioners submits there was dispute among family members and the petitioners have been falsely implicated in the instant case. Co-accused has been granted pre-arrest bail.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Keeping in mind the nature of allegations as well as injuries as appearing from the injury report which do not appear to be grievous and as the co-accused has been granted pre-arrest bail, we are inclined to extend the same privilege to the petitioners also.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 co-operate with the investigation 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.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

C.R.M. 11960 of 2017

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.

And

In Re : Aslam Ali Sk. @ Aslam Sk. petitioner

Mr. Kallol Mondal,
Ms. Amrita Chel

.....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

(Joymalya Bagchi, J.)

