

08.06.2022

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Allowed

C.R.M.(A) 2406 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Baranagar Police Station Case No. 41 of 2022 dated 17.01.2022 under Sections 323/325/341/427/406/420/506 of the Indian Penal Code.

And

In Re : Tushar Mondal petitioner

Mr. Malay Bhattacharyya
Ms. Shefa Mondal

.for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. Bibaswan Bhattacharya

....for the State

It is submitted by the learned Counsel appearing for the petitioner that the vehicle which is the subject matter of dispute between the petitioner and the de facto complainant was seized prior to the date of the incident.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail and submits that the victim had suffered fracture injury.

We have considered the materials on record which shows that the vehicle in question had been seized by the police in connection with a criminal case registered by the petitioner against the de facto complainant and his relation prior to the date of the incident. This circumstance tends to probabalise the

allegation of assault by the petitioner on the de facto complainant.

In view of the aforesaid facts, we are of the opinion that custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner 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 he shall appear before the court below and pray for regular bail within a period of four weeks from date.

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.)

