

**20.01.2022**

Court No.32  
rpan/245

**C.R.M. 5928 of 2021**

[Through Video Conferencing]

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Chapra Police Station Case No. 206 of 2021 dated 14.05.2021 under Sections 341/325/326/307/354B/34 of the Indian Penal Code, 1860 and added Section 302 of the Indian Penal Code, 1860 ;

And

In re: **Ganesh Mondal & 7 Others**

- Petitioners

Mr. Kallol Mondal,  
Mr. Amanul Islam,  
Mr. Sourav Mukherjee,  
Mr. Souvik Das  
... for the Petitioners.

Mr. Y. J. Dastoor, Ld. ASG,  
Mr. Phiroze Edulji,,  
Mr. Samrat Goswami  
... for the CBI.

Mr. Neguive Ahmed,  
Ms. Trina Mitra  
... for the State.

Leave is granted to the learned advocate-on-record of the petitioners to correct the cause title of the application for anticipatory bail.

Mr. Mondal, learned advocate appearing for the petitioners, submits that during pendency of the present application, the petitioner nos.4, 5, 6 and 7 have already been arrested. In view thereof, the application, so far as the said petitioners are concerned, is dismissed as 'infructuous'.

He further submits that the petitioners have been falsely implicated in view of a political rivalry. No specific overt act has

been attributed to the petitioners. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not warranted.

Mr. Dastoor, learned Additional Solicitor General appearing for the Central Bureau of Investigation submits that there are strong incriminating materials on record against the petitioners. They are absconding and proclamation has also been issued against the petitioner nos.1, 2, 3 and 8. Further investigation has been prayed for.

In reply, Mr. Mondal submits that proclamation has been issued during pendency of the present anticipatory bail application.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

*Prima facie*, the allegations are omnibus in nature and no specific overt act has been attributed to the petitioner nos.1, 2 3 and 8. Considering the nature of accusations and the extent of complicity of the said petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation, charge sheet has been submitted. As such, prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner nos.1, 2, 3 and 8 namely, **Ganesh Mondal, Amit Ghosh, Pintu Ghosh,** and **Abhijit Mondal @ Gopal Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of

like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further conditions that they shall not enter the jurisdiction of Chapra Police Station until further orders and shall also intimate the address where they would be residing to the Officer-in-charge, Chapra Police Station immediately.

It is further directed that the petitioner nos. 1-3 and 8 shall attend the learned trial court on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

It is made clear that in the event the petitioner nos. 1-3 and 8 fail to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 5928 of 2021 is partly allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Ajoy Kumar Mukherjee, J.)      (Tapabrata Chakraborty, J.)**