

July 25, 2022
(37) ARDR
Allowed

CRM (A) 3510 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagdah** Police Station Case No. **424 of 2022** dated **08.06.2022** under Sections **143/186/313/353/188/307/34/390/120(B)** of the Indian Penal Code read with Section 9 of the MPO and Section 3 of the Prevention of Damage to Public Property Act, 1984.

And

In the matter of: **Tapas Kumar Mondal**

....petitioner.

Mr. Susnigdho Bhattacharyya,

...for the petitioner.

Mr. Navanil De,

...for the State.

Petitioner prays for anticipatory bail.

Learned counsel for the petitioner submits that the petitioner stands on the same footing as that of the two accused who were enlarged on bail by a coordinate Bench. He refers to the finding of the coordinate Bench while granting bail with regard to the nature of injury suffered by the victim.

Learned counsel for the State submits that the police personnel received injuries. He draws the attention of this Court to the statement of the eyewitness recorded under Section 161 of the Criminal Procedure Code implicating the petitioner.

The statement of the eyewitness recorded under Section 161 of the Criminal Procedure Code implicates three persons amongst others. Two of the three persons were enlarged on bail by the coordinate Bench on the finding that the injuries suffered by the victim were minor.

In view of the nature of injury suffered by the victim and the involvement of the petitioner therein as transpiring from the materials in the case diary, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 and on condition that the petitioner will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner shall appear on every date 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3510 of 2022 is thus, **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

