

12 01.08.2022
(AD)
Court No.29
(Partly
Allowed)

C.R.M. (A) 3635 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No. **153 of 2022** dated **15/07/2022** under Sections **341/325/326/307/354B/509/34** of the Indian Penal Code, 1860.

And

In the matter of: Mohitosh Mondal @ Mahitosh & Ors.
....petitioners.

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

...for the petitioners.

Md. Anwar Hossain
Ms. Sreyashee Biswas

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that there is a previous police complaint with regard to the same incident.

Learned Advocate appearing for the State draws the attention of the Court to the injury reports of the victim and the statement recorded under Section 161 of the Code of Criminal Procedure.

The injured suffered grievous hurt. The statement of one of the injured, however, does not implicate the female members. The Statement recorded under Section 161 of the Code of Criminal Procedure implicates the petitioner nos.1,2,5 and 7 in

the incident.

In such circumstances, we are unable to grant anticipatory bail to the petitioner nos.1,2,5 and 7, namely, Mohitosh Mondal @ Mahitosh, Netai Mondal, Nitish Mondal and Manindra Mondal.

Accordingly, the prayer for anticipatory bail of the petitioner nos.1,2,5 and 7, namely, Mohitosh Mondal @ Mahitosh, Netai Mondal, Nitish Mondal and Manindra Mondal, are rejected.

However, we grant anticipatory bail to the petitioner nos.3,4 and 6, namely, Jharna Mondal, Rani Mondal and Rekha Mondal @ Rekharani Mondal.

Accordingly, we direct that in the event of arrest, the petitioner nos.3,4 and 6, namely, Jharna Mondal, Rani Mondal and Rekha Mondal @ Rekharani Mondal, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos.3,4 and 6, namely, Jharna Mondal, Rani Mondal and Rekha Mondal @ Rekharani Mondal, will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioner nos.3,4 and 6 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 nos.3,4 and 6 in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner nos.3,4 and 6, namely, Jharna Mondal, Rani Mondal and Rekha Mondal @ Rekharani Mondal, is allowed.

C.R.M. (A) 3635 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)