

07.01.2022
Item no. 20
Court No.32
Avijit Mitra

C.R.M. 8024 of 2021 (Through Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal;

And

In Re : Ibadul Mondal @ Ebadul Mondal

.... petitioner

Ms. Sananda Bhattacharyya

....for the petitioner

Mr. Debabrata Chatterjee,

Ms. Debjani Sahu

..... for the State

Apprehending arrest in connection with Dhantala Police Station Case No.194 of 2021 dated May 8, 2021 under Sections 498A/307/34 of the Indian Penal Code the present application has been preferred.

Ms. Bhattacharyya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred about 12 years after the marriage of the victim. The petitioner and the victim have two children, one is aged about 3 years and another is aged about 10 years. The allegations are omnibus in nature and upon completion of investigation chargesheet has also been submitted and as such custodial interrogation is not necessary.

Ms. Sahu, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim and the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the nature of injury and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Ibadul Mondal @ Ebadul Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two local 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.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 8024 of 2021 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

