

11.01.2022

Court No.32

rpan/ **39**

C.R.M. 8155 of 2021

[Via video Conferencing]

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

And

In re: **Sumit Mandal**

- Petitioner.

Mr. Subhabrata Chowdhury,

Ms. Tripti Pandey,

Mr. Biswajit Goswami

... for the Petitioner.

Mr. Binay Panda,

Ms. Pushpita Saha

... for the State.

Apprehending arrest in connection with Bizpore Police Station Case (FIR) No.484 of 2020 dated 18.11.2020 under Sections 364/120B of the Indian Penal Code, the petitioner has filed the present application.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. A co-accused person, namely, Amit Mondal, who is the brother of the petitioner and similarly situated with him, has already been granted anticipatory bail by a coordinate Bench of this Court. As such on the ground of parity, the petitioner may be granted anticipatory bail, more so when, upon completion of investigation, charge sheet has already been filed.

Ms. Saha, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the statement of the victim and the injury report.

Heard the learned advocates and considered the materials in the case diary.

Upon cumulative assessment of the materials on record, we find that the role attributed to the petitioner is similar to that of his brother, namely, Amit Mondal, who has already been granted anticipatory bail by a coordinate Bench of this Court. As such, on the ground of parity and since upon completion of investigation charge sheet has also been submitted, custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sumit Mandal** shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

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

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 8155 of 2021, is, thus, 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.)