

CRM 8400 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Rasid Mondal & Ors.**

..... petitioners

Mr. Sourav Mukherjee

.....For the petitioners

Mr. S. S. Imam

Mr. Arabinda Manna

.....For the State

Apprehending arrest in connection with Tehatta Police Station Case No. 644 of 2021 dated 01.12.2021 under Sections 447/325/307/506/34 of the Indian Penal Code, the instant application for anticipatory bail is filed.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that there was a dispute pertaining to a plot of land between the parties. Initially, a complaint was lodged on behalf of the petitioners and thereafter, the present case has been preferred by the de facto complainant, about 64 days after the alleged incident. Such delay has not been explained and in view thereof, exaggerated account of the incident cannot be ruled out. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not necessary.

Mr. Imam, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the injury report and the statements of the witnesses.

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

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Rasid Mondal, Aliya Bibi @ Aliya Mondal, Suklal Mondal** and **Final 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 a further direction that the petitioner nos. 1, 3 and 4 shall meet with the investigating officer once a week till investigation is complete.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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

The application for anticipatory bail, being CRM 8400 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.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)