

21.01.2022

Court No.32
rpan/ 11

C.R.M. 8679 of 2021

[Via video Conferencing]

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

And

In re: **Anech Mondal & 2 Others**

- Petitioners

Mr. Asraf Mandal

... for the Petitioners.

Mr. Avishek Sinha

... for the State.

Apprehending arrest in connection with Tehatta Police Station Case No.654 of 2021 dated 06.12.2021 under Sections 448/323/325/307/354/506/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Mandal, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in a dispute pertaining to possession of a plot of land amongst the parties. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not necessary. He further submits that the complaint was lodged about eighteen days after the alleged incident without explaining the delay.

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

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the nature of injury and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial

interrogation is not warranted. As such, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Anech Mondal, Tamej Mondal** and **Parvina Khatun** 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. It is further directed that the petitioners 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 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 No. 8679 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.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)