

21.01.2022

Court No.32
rpan/ 12

C.R.M. 8681 of 2021

[Via video Conferencing]

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

And

In re: **Mukesh Kr. Mandal**

- Petitioner

Mr. Sarwar Jahan,

Mr. Asraf Mandal

... for the Petitioner.

Ms. Sujata Das

... for the State.

Apprehending arrest in connection with Tehatta Police Station Case No.658 of 2021 dated 07.12.2021 under Sections 498A/307/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Jahan, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred 15 years after the marriage. The couple has a minor child and the victim left her matrimonial house on her own will and lodged the complaint. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code 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 petitioner 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 petitioner, namely, **Mukesh Kr. 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, with a further condition that he shall meet with the Investigating Officer of the case once a fortnight till investigation is complete.

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. 8681 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.)