

25.01.2022
Item no. 14
Court No.32
Avijit Mitra

C.R.M. 8742 of 2021 (Through Video Conferencing)

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

And

In Re :Rajesh Mandal & ors.

.... petitioners

Mr. Kalidas Saha

....for the petitioners

Mr. Soumik Ganguly,

..... for the State

Apprehending arrest in connection with Baishnabnagar Police Station Case No.636 of 2020 dated 15.11.2020 under Sections 341/324/325/326/308/427/34 of the Indian Penal Code, the present application has been preferred.

On the prayer of Mr. Saha, learned advocate appearing for the petitioners the present application so far as the petitioner nos.1, 3 and 4 namely, **Rajesh Mandal, Indrajit Mandal and Kaushik Mandal** is concerned is dismissed as infructuous since they have already been arrested.

He further submits that the petitioners have been falsely implicated. No specific overt act has been attributed to the petitioner nos. 2 and 5. Upon completion of investigation chargesheet has also been submitted. In the said conspectus, their custodial interrogation is not necessary.

Mr. Ganguly, learned advocate appearing for the State opposes the prayer of petitioner nos. 2 and 5 and draws our attention to the statement of the injured as well as 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 and since upon completion of investigation chargesheet has been submitted, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners no. 2 and 5 namely, **Santosh Mandal and Paritosh Mandal**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two 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 nos.2 and 5 shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner nos.2 and 5 shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner nos.2 and 5 fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the anticipatory bail of petitioner nos.2 and 5 without any further reference to this Court.

The application for anticipatory bail being C.R.M.8742 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.

(Kesang Doma Bhutia, J.) (Tapabrata Chakraborty, J.)

