

02.03.2022

COURT : 01
ITEM : 58
MATTER : 438
STATUS : ALLOWED
TRANSCRIBER : Saswata

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 103 of 2022

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Phansidewa Police Station Case No. 225 of 2021 under Sections 341/323/325/379/427/56/34 of the Indian Penal Code.

And

In the matter of : **Ranadip Mandal @ Rahul & Ors.**

...Petitioners

Mr. Prajwal Gurung

...for the Petitioners

Mr. Arun Kumar Sarkar

Mr. Tapan Bhattacharjee

...for the State

Apprehending arrest, the petitioners have filed the instant application for anticipatory bail in connection with Phansidewa Police Station Case No. 225 of 2021 dated under Sections 341/323/325/379/427/56/34 of the Indian Penal Code.

The present petitioners have jointly filed the instant application under Section 438 of the Code of Criminal Procedure apprehending arrest in connection with the aforementioned case. The case was initially registered under Sections 341/323/325/379/427/56/34/506 of the Indian Penal Code. Subsequently, in course of the investigation Section 307 had been inserted/added. The case pertains to ransacking the house of the *de facto* complainant causing injury and taking some money to the tune of Rs.58,000/-. The *de facto* complainant was immediately taken to the hospital. The injury report issued by the hospital reveals that the injury sustained by the *de facto* complainant is simple in nature.

In view of the aforesaid facts discerned from the case diary, we are of the opinion that the petitioners are entitled to get the benefit of Section 438 of the Code of Criminal Procedure.

As such, the prayer for anticipatory bail is ***allowed***.

Accordingly, in the event of arrest the petitioners namely **Randip Mandal @ Rahul, Bishwajit Mandal, Mangal Murmu @ Mang, Bablu Ghosh, Shankar Majumdar @ Sankh @ Sankar Mojumdar** 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 on further condition as enshrined under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioners shall meet the Investigating Officer once in a week.

The application being CRM (A) 103 of 2022 is accordingly disposed of.

(Harish Tandon, J)

(Rabindranath Samanta, J)