

CRM (A) 193 of 2022

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

In the matter of : **Amit Mandal & Anr.**

..... petitioners

Mr. Partha Pratim Sarkar
Mr. Satyaki Basu

.....**For the petitioners**

Mr. Abhijit Sarkar
Ms. Namrata Das

.....**For the State**

Apprehending arrest in connection with Dinhata Police Station Case No. 224 of 2021 dated 05.05.2021 under Sections 341/325/326/427/435/307 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act, the present application has been preferred.

Mr. Sarkar, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated as there was a political rivalry between the parties. The allegations are omnibus in nature and in view thereof, custodial interrogation of the petitioners may not be necessary.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to statements of the witnesses, as recorded under Sections 161 and 164 of the Code as well as the injury report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, no specific overt act has been attributed to the petitioners. Considering the nature of allegations, the statements of the witnesses and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Amit Mandal** and **Arjun 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 with further condition that the petitioners shall meet with the investigating officer once a week till investigation is complete 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 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 (A) 193 of 2022, 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.)