

03.01.2022

Item no.4.

Court No.1.

AB

(Allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM No. 1247 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Naxalbari Police Station Case No.263 of 2021 Dated 20.11.2021 under Sections 341/326/506/34 of the Indian Penal Code

And

In the matter of: Bablu Mandal @ Mondal

.....Petitioner.

Mr. Debajit Kundu for the Petitioner.

Mr. A. S. Chakraborty, Id. APP
Mr. Sagnik Sankar Sikdar.....for the State.

The petitioner says that he has been falsely implicated.

He was not at the place of occurrence at all. The complaint names him because of political rivalry. He is prepared to cooperate with the Investigating Officer fully. He prays for anticipatory bail.

The State opposes the prayer vehemently. We are told that the victim suffered grievous bodily injury and has been in hospital for more than a month.

We have perused the case diary. Although the petitioner has been named in the first information report, which was filed by the victim's father, no independent witness has named him.

On an overall assessment of the facts and circumstances of the case and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely Bablu Mandal @ Mondal 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that he shall report to the Investigating Officer once in a week until completion of investigation.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.1247 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)

