

26.09.2023
(ADSL 01)
Ct. No.29
Partly Allowed
(SKB/Suvayan)

CRM (A) 4216 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hingalganj Police Station Case No.169 of 2023 dated 09.07.2023 under Sections 447/323/326/307/354B/506/34 of the Indian Penal Code (G.R. Case No.2795 of 2023).

In the matter of : Raj Mondal and others

... Petitioners

Mr. Kallol Mondal,
Mr. Souvik Das

... for the petitioners

Mr. Swapan Banerjee,
Mr. Suman De

... for the State

1. Heard learned counsel for the parties.
2. We have considered the materials on record.
3. Petitioner nos.1, 3, 6 and 7 have been specifically named by the victim who suffered head injury. Medical report shows internal damage to brain. Victim was hospitalised.
4. Under such circumstances, we are not inclined to grant anticipatory bail to petitioner nos.1, 3, 6 and 7.
5. Keeping in mind the extent of complicity of the other petitioner nos.2, 4, 5 and 8 to 16 namely, Sadhin Mondal @ Swadhin Mondal, Bivash Mistri @ Bibhash Mistri @ Bivas, Mrinmoy Mondal, Sudipta Ray Mondal @ Sudipta Ray Mandal, Sujit Barman, Sanjit Barman, Biswajit Mondal, Sushanta Mondal @ Susonto Mondol, Ramkrishna Barman, Abhijit Barman @ Avijit Barman, Jamini Barman and Tushar Gayen in the crime and as possibility of their false implication due to political affiliation cannot be ruled out, we are inclined to grant anticipatory bail to the said petitioners.

6. Accordingly, we direct that in the event of arrest the petitioner nos. 2, 4, 5 and 8 to 16 shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date.
7. This application for anticipatory bail is, thus, partly allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)