

03.07.2023

Item no.66

Court No.1.

AB

(Allowed)

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM (A) No.457 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Ghokshadanga Police Station Case No.239 of 2023 Dated 17.5.2023 under Sections 363/365/341/323/506/109 of the Indian Penal Code

And

In the matter of: Nikhil Mandal & AnrPetitioners.

Mr. Partha Pratim Sarkar,
Mr. Sandip Guha Roy,
Mr. Manik Dasfor the Petitioners.

Mr. Tapan Bhattacharya,
Ms. Sukanya Adhikarifor the State.

Heard learned Advocate for the petitioners and learned Advocate for the State.

It is contended that considering the fact that the present accused petitioners are not the principal accused and have thus got no involvement in the alleged crime, the instant application for anticipatory bail may be considered favourably.

Learned Advocate for the State, however, opposes the prayer for anticipatory bail.

On perusal of the entire materials of the case diary, it reveals that admittedly the present petitioners are not the principal accused and their names are not also transpiring in the statement of the victim as recorded under Section 164 Cr.P.C. It reveals also that investigation is also complete.

Considering the entire facts and circumstances and also considering the fact that custodial interrogation of the present petitioners is no more necessary, we are inclined to allow the petitioners' prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioners, namely Nikhil Mandal and Subhash Mandal shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two registered sureties of like amount, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail 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. (A) No.457 of 2023 is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

