

31.01.2024

DL.4

Court No.29

(AD)

(Partly
Allowed)

C.R.M. (A) 278 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Patashpur** Police Station Case No. **375 of 2023** dated **07.08.2023** under Sections **447/448/506/323/325/379/307/34** of the Indian Penal Code and Section **302** of the Indian Penal Code. (GR. (E) Case No.991 of 2023).

And

In the matter of: **Nimai Mandal @ Nimai Chand Mandal & Ors.**
....petitioners.

Mr. Himanshu De, Ld. Sr. Advocate

Mr. Navanil De

Ms. Manami Mukherjee

...for the petitioners.

Mr. Neguive Ahmed

Mr. Asif Dewan

...for the State.

In an incident of murder, the wife of the deceased recorded a statement under Section 161 of the Code of Criminal Procedure as an eye-witness naming the petitioner nos.2 and 3, namely, Sukumar Mandal and Debkumar Bhunia, as being involved in such incident. She, however, does not take the name of petitioner nos. 1 and 4, namely, Nimai Mandal @ Nimai Chand Mandal and Ranjit Kumar Bhunia @ Ranjit Bhunia.

Police filed charge sheet.

In such circumstances, we are unable to grant anticipatory bail to the petitioner nos. 2 and 3.

Accordingly, the prayer for anticipatory bail of the petitioner nos.2 and 3 is rejected.

We grant anticipatory bail to the petitioner nos.1 and 4.

Accordingly, we direct that in the event of arrest, the petitioner nos.1 and 4 shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two

sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos.1 and 4 shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate order to secure the presence of the petitioner nos.1 and 4 in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner nos.1 and 4 is allowed.

C.R.M. (A) 278 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)