

11.03.2024
Item No.2
Ct. No. 29
CHC
Allowed

C.R.M.(A) 814 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bankura** Police Station Case No. **317** of **2023** dated **12.09.2023** under Sections **406/420/323/120B** of the Indian Penal Code, 1860.
And

In the matter of : Sunil Rudra Mandal @ Sunil Mandal
..... petitioner

Mr. Sourav Chatterjee,
Mr. Avik Ghatak,
Mr. Kanakendu Chatterjee,
Ms. Afreen Begum
....for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.
Mr. Shiladitya Banerjee
....for the State

Petitioner before us claims that he was falsely implicated due to his political affiliation and that, the present police complaint is a counterblast to the earlier police complaint lodged under the Schedule Caste and Scheduled Tribe (Prevention of Atrocities) Act.

Learned advocate appearing for the State draws the attention of the Court to the two First Information Reports. In particular, he draws the attention of the Court to column-3 and submits that, present police complaint was noted in the General Diary prior in point of time to the police complaint lodged by the petitioner. According to him, it cannot be said that, present police complaint is a counterblast of the earlier police complaint. Moreover, he draws the attention of the Court to the materials in the Case Diary including the statements recorded

under Sections 164 of the Criminal Procedure Code and 161 thereof. He submits that, the investigation are in progress, in response to query of the Court as to whether the police was able to seize any material relating to money trail.

From the records it appears that, we granted anticipatory bail to the Personal Assistant of a Minister of State of the Government of India by an order dated February 2, 2024 passed in C.R.M.(A) 5399 of 2023 in respect of the same police case.

One of the grounds for granting such anticipatory bail to such co-accused was that, the alleged money trail said to implicate the petitioner was based on cash transaction.

The police complaint revolves around allegation that, cash was obtained from the de facto complainant and other persons on the promise of grant of job and that, no job was provided.

Today also, we called upon the learned Advocate for the State to draw our attention to another material in the Case Diary to establish the money trail in between the de facto complainant and the other members of the public with the petitioner before us. His submission is that, investigation are incomplete.

We find from the records that, two police complaints were lodged on September 12, 2023 with the police complaint of the petitioner being registered as FIR 316 of 2023 while the present police complaint being registered as FIR 317 of 2023.

The earlier police complaint, so far as the principal accused is that of the petitioner and it relates to allegation

under the Atrocities Act. Possibility of false implication exist. The co-accused was enlarged on anticipatory bail.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 further condition that the petitioner will report before the Investigating Officer once in a month till the conclusion of investigation and on condition that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 814 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)