

20.06.2024
SL No.22
Court No.29
(gc)
(Allowed)

CRM (A) 1927 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Haripal Police Station Case No.134 of 2024 dated 13.03.2024 under Sections 447/323/325/307/379/354/427/506/34 of the Indian Penal Code.

And

In the matter of : **Ajijul Mondal & Ors.**

- Petitioners.

Ms. Sutapa Upadhyay

....For the Petitioners.

Mr. Suman De,

Mrs. Rita Datta

... For the State.

1. The learned Counsel for the petitioners submits that a false complaint has been lodged due to pre-existing disputes between the private parties. The learned Counsel has referred to the order passed by a Coordinate Bench in CRM (A)1369 of 2024 and submits that the present petitioners are all similarly placed and may be enlarged on bail.
2. Learned Counsel for the State has referred to the injury report.
3. It appears that a Coordinate Bench while considering the application of one Rahima Begum and co-accused persons, *prima facie*, opined that there are pre-existing disputes between the private parties and the injury report does not suggest that the victim suffered any injury and granted anticipatory bail in favour of Rehima Begum. The age of the petitioner was also

taken into consideration. In view of the fact that, save and except, the age of Rehima Begum, there has been no other material difference, we are of the view that the custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Ajijul Mondal, Rafik Mondal @ Santu, Habib Mondal @ Md. Habib Mondal, Hasib Mondal, Sabir Mondal** and **Amanulla Mondal Aaman Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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. It is further directed that the present accused petitioners shall meet the Investigating Officer once in a week and shall not leave the jurisdiction of the learned ACJM, Chandannagar, Hooghly till the submission of the final report and shall appear before the learned ACJM, Chandannagar, Hooghly in connection with G.R. Case No.458 of 2024 and pray for regular bail within two weeks from date.
5. Accordingly, the application for anticipatory bail is disposed of.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)