

10.06.2024
Court No.29
Item No. 38

Allowed

sg

CRM (A) 1763 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 567 of 2024 dated 27.04.2024 under Sections 341/447/326/307/379/427/506/34 of the Indian Penal Code read with Sections 25/27/35 of Arms Act.

And

In Re: **Ujjal Mandal @ Ujjwal Mandal & Ors.**

Petitioners

Mr. Kalidas Saha
Ms. Mandira Mandal

For the Petitioners

Md. Adil Badr
Md. Sayeed Khan

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and due to political rivalry, they have been falsely implicated in the instant case. The learned Counsel has also drawn our attention to the order passed by the learned Sessions Judge, Malda in Criminal Misc. Case No. 1466 of 2024 in which seven accused persons have been granted anticipatory bail.
2. The learned Counsel for the State in opposing the payer for anticipatory bail has submitted that due to non-availability, the injury report could not be produced at that date and now, the injury report has been collected by the IO and the said report should be taken into consideration in deciding the application for anticipatory bail. The learned Counsel has drawn our attention

to the bed head ticket of Ujjal Mandal and Pankaj Mandal to show that they have suffered bullet injury.

3. It appears that Ujjwal has suffered bullet injury but prima facie, it does not appear to be grievous in nature whereas Pankaj has not suffered any bullet injury. Moreover, it is not clear from the CD as to the actual role played by the petitioners as the State has not till date filed any application for cancellation of bail of seven persons who have been granted bail by the Sessions Judge.
4. Considering the materials available in the case diary, the nature of injury and the extent of complicity and involvement of the petitioners in the commission of alleged offence, we are of the view that custodial interrogation of the present petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioners 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 arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioners shall meet the I.O. once in a week till the final report is filed and shall not leave the jurisdiction of Kaliachak Police Station without the express leave of the jurisdictional court till the final report is filed and shall appear before the jurisdictional court within two weeks from date.
6. In the event of non-compliance of any of the conditions, the learned Trial Court shall issue non-bailable warrant of arrest against the present petitioner.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

8. CRM (A) 1763 of 2024 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)