

08.07.2024
SI No. 31
Court No.29
TN
(Allowed)

CRM (A) 2213 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Bhutni Police Station Case No.14 of 2024 dated 04.02.2024 under Sections 304/323/34 of the Indian Penal Code.

And

In the matter of: **Chhechari Mondal @ Chhechru Mandal @ Chheehru Mandal @ Chheehari Mandal and another.**

- petitioners.

Mr. Sourav Chatterjee,
Mr. Aditya Tiwari

.... for the petitioners.

Mr. Soumik Ganguli,
Mr. Saptarshi Chakraborty

... for the State.

1. The learned counsel for the petitioners submits that due to dispute over the ancestral property, a false complaint has been lodged against the petitioners. It is further submitted that one of the co-accused has been granted bail by a coordinate Bench on 10th May, 2024. Charge sheet has already been filed. Section 302 has been replaced by Section 304.
2. The learned counsel for the State has produced the case diary and opposed the prayer for anticipatory bail.
3. We have considered the materials on record. It appears that there was a fight between the neighbours over fencing of property. The post mortem report shows cause of death is due to the effect of injuries associated with the diseased condition of heart. The petitioners have no intention to

murder the victim. There is no chance of abscondence. Investigation is complete. Charge sheet has already been filed. One of the co-accused has been enlarged on bail.

4. On such consideration, we are of the opinion that custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Chhechari Mondal @ Chhechru Mandal @ Chheehru Mandal @ Chheehari Mandal and Dinabandhu Mandal @ Bullu Mandal** 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.
6. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Malda within two weeks from date and pray for regular bail.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)