

15.07.2024

Court No.29

Item No. 04

Allowed

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CRM (A) 2306 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Thanarpara Police Station Case No. 173 of 2024 dated 23.06.2022 corresponding to S.L No. 343 of 2024 under Sections 325/341/376/511/34 of the Indian Penal Code.

And

In Re: **Sariful Mandal & Ors.**

Petitioners

Mr. Debasis Kar
Mr. Arka Tilak Bhadra

For the Petitioners

Ms. Subhasree Patel
Ms. Paramita Sahu

For the State

Mr. Navanil De

For the De-facto Complainant

1. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the instant case due to a civil suit between the parties in which the petitioners are enjoying the interim order.
2. Learned counsel for the State and the de-facto complainant have opposed the prayer for anticipatory bail.
3. It is submitted on behalf of the de-facto complainant that the statement of the de-facto complainant and the injury report shall be read together.
4. Learned counsel for the State submits that the victim has refused to do the medical examination.
5. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the alleged offence and that a civil suit

is pending between the parties relating to property and background of the aforesaid fact that a false implication cannot be ruled out, we are of the view that custodial interrogation of the petitioners is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioners namely, **Sariful Mandal, Paramita Mandal @ Parmita Khatun, Masum Raja Mandal, Sahid Mandal, Renuka Bibi Mandal and Rosunara Bibi 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The **petitioner no. 1** shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report. The **others petitioners** shall cooperate with the investigation. The **petitioner no. 1** shall not enter the jurisdiction of Police Station Thanarpara, till the submission of the final report, except for the purpose of meeting the I.O and for attending the Court. The **petitioner no. 1** shall also inform the I.O regarding the present address, where he shall be presently residing. The petitioners shall appear before learned Additional Chief Judicial Magistrate, Tehatta, within two weeks from date in connection with S.L. No. 343 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.

8. 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)