

31.12.2020
Item no. 13
Ct.8
KAUSHIK/CHC
Allowed

C.R.M. No.11295 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Malda Police Station Case No.590 of 2020 dated 13.10.2020 under Sections 188/ 353/ 332/ 333/ 506/34 of the Indian Penal Code, 1860.

And

In the matter of:-

Upendra Nath Ghosh & anr.

... Petitioners

Mr. Kazi M. Rahman

.. for the petitioners

Mr. Rana Mukherjee, Ld. A.P.P.
Mr. Subrato Roy

..for the State

Learned counsel for the petitioners submits that the petitioner no.2 has been hospitalized due to assault on the said petitioner. That apart, the principal accused has already been granted bail on certain conditions by this Court earlier in the day.

Learned counsel for the State opposes the prayer for anticipatory bail, by placing reliance on the injury reports, which apparently reveal grievous injury. It is further submitted by learned counsel for the State that the statement under Section 161 Cr.P.C. implicates the petitioners as well. As such, it is submitted that no anticipatory bail ought to be granted.

However, considering the circumstances of the hospitalization of petitioner no.2, in conjunction with the fact that the co-accused

has been already been granted bail, we deem it fit to grant anticipatory bail to the petitioners on the following conditions:

- i) The petitioners shall make themselves available for interrogation by any police officer in connection with the offences in question;
- ii) The petitioners shall not make any inducement, promise or threat to any person being acquainted with the facts relating to the alleged offences in order to prevent such person from disclosing such facts before the concerned police officer and/or the Court;
- iii) The petitioners shall not leave the jurisdiction of the concerned Police Station i.e. Malda Police Station without leave of a competent Court.

In the event of arrest, the petitioners shall be released on bail on furnishing a bond of Rs.5,000/- (Rupees Five Thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer.

In addition, the petitioners shall attend the trial on all the dates fixed. In default on the part of the petitioners to comply with any of the above conditions, the trial court shall be at liberty to direct arrest of the petitioners without further reference to this Court.

Accordingly, C.R.M.11295 of 2020 is disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)

(Saugata Bhattacharyya, J.)