

03.09.2020

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BR/AGM
Ct. No11

Partly Allowed

**CRM 5913 of 2020
CRAN 4349 of 2020
(Via Video Conference)**

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Rampurhat P.S. Case No. 135/2020 dated 16.03.2020 under Sections 302/34 of the Indian Penal Code and G.R Case No. 335 of 2020.

And

In the matter of : **Tamal Let & Ors.** Petitioners

Mr. Prosenjit Mukherjee for the Petitioners

Mr. Sudip Ghosh ...for the State.

The petitioners undertake to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The learned advocate for the petitioners submit that none of them were connected with the offence and they have been falsely implicated in the case. The learned advocate for the petitioners submits that the detention of the petitioners in custody are not unwarranted going by the materials of the case.

The learned advocate for the State opposes the prayer for anticipatory bail and draws our attention to the statements of different witnesses who have described the complicity of the petitioners.

We have perused the materials including the statements of the witnesses in the case diary, going by the materials in the case dairy, we are of the opinion that the application for anticipatory bail of petitioner no. 2 (Asim Let @ Sufal Let), petitioner no. 3 (Dulal Let) and petitioner no. 4 (Raju Let @ Arjun Let) should be rejected as their custodial detention are required in connection with the instant case.

So far as the petitioner no. 1 (Tamal Let) is concerned, we are inclined to allow his prayer for anticipatory bail in view of the scarcity of the materials available in the case dairy against him.

Needless to mention that by an earlier order dated 24.8.2020, the learned advocate has already not pressed the application for petitioner no. 5 (Amirul Sekh).

Accordingly in the event of arrest the petitioner no.1 (Tamal Let) shall be released on furnishing bond of Rs.10,000/- (rupees ten thousand only) with two sureties of Rs.5000/- (rupees five thousand) to the satisfaction of the arresting officer or the investigating officer of the case and on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses.

The aforesaid order of anticipatory bail shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

With these observations, CRM 5913 of 2020 and CRAN 4349 of 2020 are disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)