

23.09.2020

CRM 6233 of 2020

Court No.8

(Via Video Conference)

Item 34 (DL)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tapan Police Station Case No. 255 of 2019 dated 09.10.2019 under Sections 376/506.

sg

Allowed

Madhusudan Barman & Anr.
Versus
The State of West Bengal

Mr. Habibur Rahaman, Adv.

...for the Petitioners.

Ms. Faria Hossain, Adv.

Ms. Baisali Basu, Adv.

...for the State.

It is submitted that the principal accused was initially arrested and subsequently enlarged on bail.

Learned Counsel appearing for the State submits that the charge-sheet has already been filed.

We have heard the learned Counsel for the parties and on examination of the case diary and the materials on record, it appears that the allegations against the present petitioners are that they have harboured the accused. The extent of complicity of the petitioners has to be assessed at the time of trial. However, on the basis of the materials on record and the extent of complicity of the petitioners in relation to the alleged offence and in view of the fact that the charge-sheet has already been filed, we do not think that custodial interrogation of the present petitioners is required in this case and the petitioners are entitled to grant anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code

of Criminal Procedure, 1973.

The application for anticipatory bail is, accordingly, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)