

17.11.2020
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Sws M/G.S.Das
Ct. No.11

CRM 6907 of 2020
CRAN 1 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. 259/2020 dated 08.05.2020 under Sections 341/326/307/34 of the Indian Penal Code and Section 27 of the Arms Act (G.R. Case No. 1943/2020).

And

In the matter of : **Rajib Ghosh** Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kr. Bhowmick for the Petitioner

Mr. Saibal Bapuli, Ld. App,
Ms. Sayanti Santra. ...for the State.

The petitioner undertakes 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.

Mr. Karmakar, Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the case and the principal accused has already been granted bail. He further submits that so far as the allegations are concerned the same is against one Manoj Ghosh, the brother of the present petitioner, who has already been granted bail.

Learned Advocate for the State produces the case diary and draws the attention of the Court to the statement of the eye-witnesses.

We have taken into account the materials in the case diary and having regard to the fact that the petitioner who was similarly placed was

granted bail and not the anticipatory bail, we do not intend to extend the privilege of the anticipatory bail to the present petitioner.

Accordingly, the prayer for anticipatory bail is **Rejected**.

However, it has been informed that the charge-sheet has already been filed in connection with this case and, as such, if the petitioner surrenders within a fortnight, the Learned Magistrate would take into account the fact that for the purpose of investigation whether the custodial detention of the petitioner may be warranted.

With these observations, CRM 6907 of 2020 and CRAN 1 of 2020 are disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)