

30-09-2020
Subha
Item no.17
Bail Allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 7154 of 2020

Naba Kumar Biswas and 2 ors.

-vs-

The State of West Bengal

With

CRAN 1 of 2020

(Via Video conference)

In Re: An application for anticipatory bail under **Section 438 CrPC** apprehending arrest in connection with Tehatta P. S. Case No.381 of 2020 dated September 13, 2020 under Sections 341/323/307/379/34 of the Indian Penal Code.

Mr. Amanul Islam

...for the petitioners.

Ms. Sukanya Bhattacharyya

Md. Kutubuddin

... for the State.

The advocate-on-record for the petitioners undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking. Accordingly, CRAN No.1 of 2020 is disposed of.

Mr. Islam, learned advocate appearing for the petitioners at the inception submits that the petitioner no. 3 has already been arrested in connection with this case. As such, the learned advocate for the petitioners intends not to press the anticipatory bail application of the petitioner no.3. Accordingly, the anticipatory bail application of the petitioner no. 3 (Nirmal Biswas) is infructuous and as such dismissed.

Learned advocate appearing for the petitioners further submits that petitioner no.1 and 2 are innocent of the charges and they have been falsely implicated in the instant case because of the previous rivalry.

Ms. Bhattacharyya, learned advocate appearing for the State opposes the prayer for anticipatory bail and produces the case diary. The learned advocate for the State draws the attention of this Court to the injury report.

We have taken into account the contents of the injury report and on evaluation of the same, we are of the opinion that although a case has been made out, but the custodial detention of the present petitioner no. 1(Naba Kumar Biswas) and petitioner no. 2(Netai Ghosh @ Kokhan Ghosh) are not required for the investigation of the case. Accordingly, the prayer for anticipatory bail of the present petitioner no. 1 and 2 are allowed.

As such, in the event of arrest, the petitioner no.1(Naba Kumar Biswas) and petitioner no. 2 (Netai Ghosh @ Kokhan Ghosh) shall be released on bail, upon furnishing bond of Rs.10,000/-(Rupees ten thousand only) each with two sureties of Rs.5000/- each, one of whom must be local subject to the satisfaction of the arresting officer/investigating officer and on condition that they shall not tamper with the evidence of the case or intimidate the witnesses.

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

[Tirthankar Ghosh, J]

[Samapti Chatterjee, J)

