

06.10.2020
SL No.34
Court No.11
(gc)
(Allowed)

**CRM 7423 of 2020
CRAN 1 of 2020**

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali** P.S. Case No.**441/2020** dated **19.07.2020** under Sections **323/325/354/307/506/34** of the Indian Penal Code.

And

In the matter of: **Munna Das & Ors.**

....Petitioners.

Ms. Sonali Das

...for the Petitioners.

Mr. Ujjwal Luksom,

Mr. Aniruddha Biswas

...for the State.

The petitioners undertake to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

The learned Counsel for the petitioners submits that the petitioners have been falsely implicated. The materials on record would not show complicity of the petitioner in the commission of the alleged offence.

The learned Counsel appearing on behalf of the State, however, opposes the prayer for anticipatory bail of the petitioner No.1. It is submitted that three petitioners, namely, Munna Das, Ankita Saha Mondal @ Ankita Saha and Kanchan Das Saha @ Kanchan Das, wife of Munna Das earlier filed an application for anticipatory bail and a Coordinate Bench consisting of one of us

(Soumen Sen, J.) by an order dated 28th September, 2020 in CRM 6968 of 2020 allowed the anticipatory bail of Kanchan Das Saha @ Kanchan Das and rejected the prayer for anticipatory bail of the petitioner No.1. The learned Counsel for the petitioners submits that she is not aware of the said order nor that any application was filed earlier seeking self-same reliefs. It appears from the record that this application was filed on 22nd September, 2020 by three petitioners in which two petitioners also separately filed an application being CRM 6968 of 2020.

There cannot be any doubt that the petitioner No.1 and the petitioner No.3 in the instant application were aware of the fact that another application was filed for seeking same reliefs but did not deliberately disclose the said facts in this petition. This could have been sufficient for this Court to cancel the anticipatory bail of Kanchan Das Saha @ Kanchan Das. However, having regard to the fact that on the earlier occasion on consideration of the materials on record we allowed the anticipatory bail to the present petitioner No.3, we do not want to disturb the said order.

The learned Counsel for the petitioners, accordingly, has prayed for dismissal of the present petition as against the petitioner No.3. The said prayer is allowed.

Having considered the materials on record as well as the injury report produced before us on behalf of the prosecution, we are inclined to grant anticipatory bail to petitioner No.2. The prayer for anticipatory bail on behalf of the petitioner No.1 was earlier rejected by the order dated 28th September, 2020 and

there has been no change in circumstances to revisit the said issue.

In the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) together with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The application for anticipatory bail being CRM 7423 of 2020 is partly allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)