

CRM 7639 of 2020

**Binay Kar & Ors.
Vs.
State of West Bengal**

**Ms. Rajnandini Das
.....For the Petitioners
Mr. P. K. Dutta
Mr. Pradipta Kr. Ganguly
....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 videoconference on the basis of such undertaking.

Although the accusation against the petitioners is under Section 302 of the Indian Penal Code, on hearing appearing learned counsel for the petitioner and for the prosecution it appears that prima facie they can only be charged as abettors and that the evidence against them is not conclusive at all.

In any event the incident took place on 14th January, 2020 and till date the petitioners have not been arrested.

Charge sheet was submitted on 9th April, 2020.

In that view of the matter we allow this application for anticipatory bail.

In the event of arrest, the petitioners will be released on bail upon furnishing security of Rs.10,000/- (Rs. Ten thousand) together with personal release bond of equivalent value to the satisfaction of the arresting officer.

We impose an added condition that each of the petitioners shall not leave the jurisdiction of Santipur Police Station without the permission of the I. C. or the jurisdictional court.

The petitioners shall render full co-operation to the Investigating Officer.

The petitioners shall also comply with the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure.

CRM 7639 of 2020 is disposed of.

(I. P. Mukerji, J.)

(Md. Nizamuddin, J.)