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20-10-2020

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Court 12

C.R.M. 8085 of 2020

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kharagpur Town Police Station Case No. 259 of 2020 dated 07.07.2020 under Sections 342/325/307/506/34 of the Indian Penal Code.

Gopal Dey & Anr.

Versus

State of West Bengal

Allowed

Mr. Kushal Kumar Mukherjee, Adv.

...for the petitioners.

Mr. S.S. Imam, Adv.

Mr. Subrato Roy, Adv.

...for the State.

The petitioners undertake to affirm and stamp the petition/application 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.

The learned Counsel for the petitioners submits that the petitioners have been falsely implicated. It is submitted that over a land dispute, this complaint has been lodged against the petitioners to wreak vengeance.

Learned Counsel for the State, however, opposes the prayer for anticipatory bail.

It appears that the parties are related to each other and are uterine brothers.

Having considered the materials available with the case dairy as well as injury report and the extent of complicity of the petitioners in the commission of the alleged offence, we are inclined to grant bail to the petitioners.

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 petitioners shall cooperate with the investigation and the petitioner no. 1 shall meet the investigating officer once in a week until further orders.

In the event they fail to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel their bail automatically without reference to this Court.

The application for anticipatory bail is, thus, allowed.

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

(Aniruddha Roy, J.)

(Soumen Sen, J.)