

02.12.2020.
65.
as
(Partly
Allowed).

C.R.M. 9603 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Haripal P. S. Case No.244 of 2020 under Sections 341/323/313 /354/504/34 of the Indian Penal Code.

In the matter of : Gautam Das & Ors.

... Petitioners.

Mr. Dev Kr. Sharma.

...for the Petitioners.

Mr. S. S. Imam,
Mr. Subrato Roy.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that there is a rivalry between the families. They have been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. We note that the primary role of petitioner no.1 and 3 in assaulting the lady resulting in miscarriage.

In view of the above, we are not inclined to grant anticipatory bail to the petitioner nos.1 and 3.

Accordingly, the prayer for anticipatory bail of the petitioner nos.1 and 3 is rejected.

However, keeping in mind the extent of complicity of the petitioner no. 2 in the alleged crime and as the possibility of his false implication due to prior enmity cannot be wholly ruled out, we are inclined in granting anticipatory bail to the petitioner No.2.

Accordingly, we direct that in the event of arrest the petitioner No. 2, viz., Tarun Das shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

This application for anticipatory bail is, thus, disposed of.

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

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)