

07.12.2020.

42.

as

(Allowed).

C.R.M. 9798 of 2020
With
C.R.A.N.1 of 2020
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mongalkote P. S. Case No.48 of 2020 dated 27.02.2020 under Sections 448/326/307/120B and adding Section 302 of the Indian Penal Code.

In the matter of : Tanjila Bibi @ Mallik.

... Petitioner.

Mr. Diptendu Banerjee.

...for the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.

.....for the State.

Heard the learned Advocates appearing for the parties.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a 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.

It is submitted on behalf of the petitioner that the co-accused has been granted pre-arrest bail and the petitioner stands on the same footing.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner was present at the place of occurrence.

We have considered the materials on record and we note that the petitioner is not named in the dying declaration of the victim. In view of the aforesaid fact and as co-accused has been granted pre-arrest bail, we are inclined to extend the same privilege to the petitioner also.

Accordingly, we direct that in the event of arrest the petitioner, viz., Tanjila Bibi @ Mallik shall be released on bail upon furnishing a bond of Rs.10,000/-, 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.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)