

03.02.2021
Court No.28
Item No. 321
Krishnendu
ALLOWED

**C.R.M. 143 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Palash Mandal @ Palash Barman
@ Palash Chandra Barman & Anr.**

.....Petitioners

Mr. J. N.Chatterjee
Mr. Kaushik Choudhury
Ms. Busra Khatun

....For the Petitioners

Mr. Neguive Ahmed, Id. A.P.P.
Ms. Amita Gaur

.....For the State

Apprehending arrest in connection with Balurghat Police Station Case No. 538 of 2019 dated 28.10.2019 under sections 341/448/323/302/506/34 of the Indian Penal Code, the petitioners have filed the present application.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioner no.1 is the brother-in-law and the petitioner no. 2 is the married elder sister. According to Mr. Chatterjee, the petitioners are residing separately at a distance from the place where the incident has occurred. They are innocent and have been implicated only because of the relationship existing, without any complicity in the said offence.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioners' prayer for anticipatory bail and submits that the names of the petitioners transpire in the statements of the witnesses.

We have taken into account the materials appearing against the petitioners in the case diary. Having regard to the fact that the petitioners were residing at a separate place from the place of occurrence and there are no overt acts attributed to them, we are of the opinion that custodial detention of the petitioners is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Palash Mandal @ Palash Barman @ Palash Chandra Barman and Bharati Mandal @ Bharati Barman**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, 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 application for anticipatory bail, being CRM No. 143 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

