

19.01.2021
Court No.28
Item No. 194
Krishnendu
ALLOWED

C.R.M. 194 of 2021
(Via video Conference)

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

And

In re: **Kartick Ghosh & Ors.**

.....Petitioners

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

....For the Petitioners

Mr. Narayan Prasad Agarwala
Mrs. Subhasree Patel

.....For the State

Apprehending arrest in connection with Santipur Police Station Case No. 463 of 2020 dated 21.10.2020 under sections 447/325/326/307/34 of the Indian Penal Code, the petitioners have filed the present application.

Mr. Chakraborty, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. There was a dispute amongst the parties pertaining to a plot of land. The alleged incident was of 20th October, 2020. The petitioners were physically injured, as would be explicit from the medical documents, annexed to the writ petition. The petitioner no. 1 also preferred an application under section 144(2) of the Code of Criminal Procedure pertaining to the said incident of 20th October, 2020. In the said conspectus, the custodial detention of the petitioners is not necessary.

Mrs. Patel, learned advocate appearing for the State opposes the prayer for anticipatory bail and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and upon considering the materials in the case diary, the nature of allegations and the injury reports, we are of the opinion that custodial detention of the petitioners is not necessary.

Accordingly, we allow the application and direct that in the event of arrest the petitioners, namely **Kartick Ghosh, Ganesh Ghosh, Bapan Ghosh, Sukumar Ghosh, Arjun Ghosh, Sushil Ghosh, Prasen Ghosh and Suvankar Ghosh**, 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 and on further condition that the petitioner nos. 1 and 2, namely, Kartick Ghosh and Ganesh Ghosh shall meet the Investigating Officer of the case once a week on and from 25th January, 2021 until further orders.

The application for anticipatory bail, being CRM No. 194 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)
Chakraborty, J.)

(Tapabrata

