

26.02.2021

Item No.32

Ct.No.28

Subha

Allowed

C.R.M. 502 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail filed on 14-01-2021 under Section 438 of the Code of Criminal Procedure.

And

In the matter of : **Hare Ram Ghosh & Ors.**

.....petitioners.

Mr. Kallol Mondal
Mr. Musharraf Alam Sk.
Ms. Amrita Chel

... For the petitioners.

Mr. S. S. Imam
Ms. Sonali Bhar

... For the State.

Apprehending arrest in connection with Harishchandrapur Police Station Case No. 721 of 2020 dated 14.10.2020 under Sections 448/326/325/324/307/34 of the Indian Penal Code(G. R. Case No. 2360 of 2020), the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in the instant case due to village rivalry and they were not at all present at the place of occurrence and their

names have been inserted in the complaint lodged with the concerned police station.

Additionally, learned advocate for the petitioners submits that in case the petitioners are extended the benefit as prayed for, they would abide by the conditions imposed by this court.

Mr. Imam, learned advocate appearing for the State opposes the prayer for anticipatory bail of the present petitioners and draws the attention of this court to the injury report as well as the statement of the witnesses.

We have perused the materials available in the case diary and the complicity of the present petitioners in the alleged offence.

Having regard to the same, we are of the opinion that the custodial detention of the present petitioners may not be warranted in the facts and circumstances of the case and as such, prayer for anticipatory bail of the present petitioners is allowed.

Accordingly, we *allow* the application for *anticipatory bail of present petitioners* and direct that in the event of arrest, the petitioners namely, **1. Hare Ram Ghosh, 2. Montu Ghosh, 3. Shyamol Ghosh, 4. Goyanath Ghosh and 5. Subhash Ghosh** 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, 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 present petitioners shall reside outside the jurisdiction of Harishchandrapur police station until further orders and communicate their address to the officer-in-charge of the said police station. The petitioners shall also meet with the officer-in-charge of the concerned police station where they were residing once in a week until further orders.

The application for anticipatory bail, being CRM 502 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)