

21.05.2021
tkm/ct 28
sl no. 10

C.R.M. 1183 of 2021
(via video conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with English Bazar P.S case no.258 of 2019 dated 16.3.2019 under sections 341/326/307/34 of the Indian Penal Code read with sections 3/4 of the ES Act

And

Allowed

In Re : Jaydeb Ghosh

..... petitioner

Mr. Kallol Mondal
Mr. Musharraf Alam Sk

..... for the petitioner

Mr. S Bardhan
Mr. P Majhi

..... for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case and co-accused persons similarly circumstanced with the petitioner have been granted pre-arrest bail by a co-ordinate Bench of this court.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that two rival groups clashed violently and there was use of explosive substance in course of the incident. However, it is fairly submitted that the petitioner stand on the same footing with the co-accused persons who have been granted pre-arrest bail by a co-ordinate Bench of this court.

Moreover, our attention has been drawn to the statement of the independent witnesses recorded under section 161 Cr.P.C that although name of some of the co-accused persons along with the petitioner have been mentioned by the independent witnesses, but on consideration of the material on record they have been granted anticipatory bail.

Having considered materials on record and bearing in mind the nature of allegations and the extent of complicity of the

petitioner in the alleged crime and as the co-accused persons similarly circumstanced with the petitioner have been granted pre-arrest bail and as charge sheet has already been submitted, we are inclined to grant anticipatory bail to the petitioner also.

Accordingly, we direct that in the event of arrest, the petitioner namely Jaydeb Ghosh 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 also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The application being CRM 1183 of 2021 is disposed of.

(Suvra Ghosh, J.)

(Soumen Sen, J.)