

15 25.05.2021  
g.b. Court No.28

Partly  
Allowed

**CRM 1292 of 2021  
(Through Video Conference)**

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

And

In Re: Kamal Gope & Ors.

Petitioners

Mr. Navanil De

For the Petitioners

Mr. Arijit Ganguly

Mr. Avik Ghatak

For the State

Apprehending arrest in connection with Kotwali Police  
Station case no. 634 of 2020 dated 23.09.2020 under Sections  
341/323/325/326/307/379/506/509/34 of the Indian Penal  
Code, the present application has been preferred.

Mr. De, learned advocate appearing on behalf of the  
petitioners submits that the petitioners have been falsely  
implicated in this case. No overt act has been attributed to them  
and as such their custodial detention is not necessary.

The learned advocate appearing for the State opposes the  
petitioners' prayer for anticipatory bail and draws our attention  
to several documents in the case diary including the injury  
report.

Having heard the learned advocates appearing for the  
respective parties and considering the materials in the case  
diary, *prima facie* we find that no overt act has been attributed to  
the petitioner nos. 1, 2, 5, 6 and 7 and in view thereof, the  
custodial interrogation of the said petitioners is not warranted.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Kamal Gope, Kiran Gope @ Putki Gope, Jitu Gope, Chabi Betal Gope @ Chabi and Bikash Gope**, 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, with a further condition that the said petitioners shall meet with the Investigating Officer once a week until further order.

*Prima facie*, from the complaint and the statement of witnesses as recorded under Section 161 of the Code of Criminal Procedure, we find that overt acts had been attributed to the petitioner nos. 3 and 4, namely, **Rameshwar Gope @ Rimpu and Maheshwar Gope @ Chatu** and as such their prayer for anticipatory bail is refused.

The application for anticipatory bail, being C.R.M. 1292 of 2021 is partly allowed and disposed of.

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

**(Bibek Chaudhuri, J.)**

**(Tapabrata Chakraborty, J.)**