

20.5.2021

CRM 1446 of 2021

Court No.28
Item No. 41

s.bhar

(Through Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ranaghat Police Station Case No. 142 of 2020 dated 12.7.2020 under Sections 302/34 of the Indian Penal Code.

And

In the matter of : **Ujjwal Biswas & anr.**

...Petitioners

Mr. Prabir Majumder

...For the Petitioner.

Mr. Zareen. N. Khan

Ms. Mayukhi Mitra

...For the State.

Learned counsel for the petitioner submits that the petitioner is falsely implicated and one of the accused persons namely Bapi Biswas has been granted bail by a coordinate bench in CRM 10620 of 2020 dated 22nd December, 2020.

Learned counsel for the State, however, opposes the prayer for bail and draws our attention to the medical report to demonstrate severity of the blow on the head of the victim.

Having regard to the fact that the co-ordinate Bench granted bail to Bapi Biswas on a satisfaction being recorded that the intention to murder the deceased may be considered in the light of the submission that there was a sudden fight without pre-meditation and also having regard to the fact that charge-sheet has been filed, we are of the opinion that custodial interrogation of the petitioner is not required. On such consideration, we are inclined to grant anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners, namely, Ujjwal Biswas and Gadadhar Biswas shall be released on bail upon furnishing a bond of Rs. 10000/- 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.

This order shall remain valid for a period of 5 weeks from the date within which the petitioners shall surrender before the jurisdiction of the court and obtain regular bail.

With the aforesaid observation, the application for anticipatory bail, being CRM 1446 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.

(Suvra Ghosh, J)

(Soumen Sen, J)