

DL. May 20,
53. 2021

Through Video Conference

C.R.M. 1564 of 2021

In the matter of : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on February 5, 2021 in connection with Krishnagar Kotwali Police Station Case No. 947 of 2020 dated December 8, 2020 under Sections 341/325/308/354B/506/34 of the Indian Penal Code;

And

In the matter of : Uma Adhikary & ors. ...petitioners.
Versus
State of West Bengal & anr. ...opposite parties.

Mr. Prabir Majumder,
...for the petitioners.

Mr. Tanmay Kumar Ghosh,
Ms. Sima Biswas,
...for the State.

We have heard the learned advocates appearing for the parties and perused the case diary.

The learned advocate appearing on behalf of the petitioners submits that due to enmity between the parties the petitioners have been falsely implicated in the instant case and that the petitioners are innocent. It has been also submitted that one of the co-accused persons, namely, Banomali Adhikary has been granted anticipatory bail by the learned Sessions Judge at Krishnagar, Nadia.

The learned advocate appearing on behalf of the State opposes the prayer for anticipatory bail and submits that Banomali Adhikary is not F.I.R. named person. Our attention has been drawn to the statements of the defacto complainant and the eye witnesses recorded under Section 161 of the Code of Criminal Procedure directly implicating the petitioners.

Having considering the materials available in the case diary

and the nature of injury sustained by the victim and keeping in mind the extent of involvement of the petitioners in commissioning the alleged offence, we are inclined to grant anticipatory bail to the petitioners no. 1 and 2.

Under such circumstances, we direct that in the event of arrest of the petitioners no. 1 and 2, namely, **Uma Adhikary and Jhuma Adhikary**, they shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand) only each with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer, subject to the conditions as laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

However, the prayer for anticipatory bail of the petitioner no. 3 is rejected.

The application for anticipatory bail is, thus, **disposed of**.

dns

(**Suvra Ghosh, J.)**

(**Soumen Sen, J.)**