

17.08.2021.
281.
As/Akd
(Allowed)

**C.R.M. 2221 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.1071 of 2018 dated 08.10.2018 under Sections 399/402/411/413/414 of the Indian Penal Code.

In the matter of : Nayan Ghosh @ Tapan Ghosh & Ors.
... Petitioners.

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

.....for the Petitioners.

Ms. S. Bhattacharyya
Mr. Arindam Sen.

.....for the State.

Apprehending arrest in connection with English Bazar P.S. Case No.1071 of 2018 dated 08.10.2018 under Sections 399/402/411/413/414 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioners that they were not arrested from the spot. They have been implicated in connection with this case on the basis of the statement made by the arrested accused persons.

Learned Advocate for the State opposes the prayer for anticipatory bail.

On careful perusal of the Case Diary and the materials on record, we find that nothing was recovered from the possession of the petitioners. Furthermore charge sheet has already been submitted. Therefore, we are inclined to release the petitioners on anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local subject to the satisfaction of the arresting officer and on condition that they shall attend the trial court on every date of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioners fail to do so without any justifiable cause, the trial court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 2221 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)