

CRM 2372 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari Police Station** Case No. **12 of 2021** dated **08.01.2021** under Sections **363/365/34** of the Indian Penal Code.

- A n d -

In the matter of : Rajkumar Ghosh & Ors.

.... Petitioners.

Mr. K. Saha,

... For the Petitioners.

Mr. N. P. Agarwala,
Mr. S. Patel,

... For the State.

Learned Advocate for the petitioners submits that this application for anticipatory bail is not pressed on behalf of the petitioner nos. 1 and 2 since they were taken into custody and have been enlarged on bail. The application is dismissed in so far as the petitioner nos. 1 and 2 are concerned.

In so far as the petitioner no. 3 is concerned, we find from the case diary that there is no *prima facie* material implicating the petitioner no. 3. The allegations are against the other petitioners.

Learned Advocate for the State also submits that indeed there is *prima facie* no material against the petitioner no. 3.

In view of the aforesaid, although charge sheet is yet to be submitted, we are of the view that the prayer of the petitioner no. 3 may be allowed so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner no. 3, namely, **Haripada Ghosh** shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2372 of 2021 is, thus, allowed.

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

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)