

17.09.2021
Serial no.66
BM

(Through Video Conference)

CRM 2647 of 2021

In re : An Application for anticipatory bail under Section **438** of the Code of Criminal Procedure filed on **11.03.2021** in connection with **Khatra** Police Station Case No.**21** of **2020** dated **15.03.2020** under Sections **341/325/326 / 307/506/34** of the Indian Penal Code.

-and-

In the matter of **:Madhab Garai & Ors.**

...Petitioner

Mr. Samiran Mondal

M. Abhinaba Dan

Mr. Nitish Samanta

... ... For the Petitioner

Mr. Partha Pratim Das,

Ms. Manasi Roy

... ... For the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioners submit that the petitioner Nos.1, 2, 3, 4 and 6 were taken into custody and therefore, the petition may be restricted to petitioner nos.5 and 7.

He submits that the petitioner no.7 is of the advance age of 74 years. The petitioner nos.5 & 7 were falsely implicated.

Learned advocate appearing for the State submits that all the petitioner stand in the same footing. There are injury reports and statements implicating the petitioner nos.5 & 7 also.

Considering the facts and circumstances and considering the age of the petitioner no.7, we grant anticipatory bail to the petitioner no.7 (Shibas Garai). The prayer for anticipatory bail of the petitioner no.5 (Ganesh Ghosh Garai @ Ganesh Garai) is rejected.

The application is treated as not pressed on behalf of the petitioners nos.1, 2, 3, 4 and 6.

Accordingly, we direct that in the event of arrest, the petitioner no.7 (Shibas Garai) shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that Petitioner no.7 shall meet the Investigation Officer once in fortnight until further orders. The petitioner no.7 shall appear before the jurisdictional court within four weeks hence for his regular bail.

CRM 2647 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)