

09.02.2021  
Court No.28  
rpan /115

**C.R.M. 5708 of 2020**  
*with*  
CRAN 1 of 2020 [ Old:CRAN 4088 of 2020]  
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of  
the Code of Criminal Procedure ;

And

In Re : **Chabilal Soren @ Saren @ Hapna & Others**  
...Petitioners.

Mr. Kaushik Choudhury,  
Ms. B. Khatoon

....for the petitioners.

Ms. Sukanya Bhattacharyya,  
Md. Kutubuddin

....for the State.

Apprehending arrest in connection with Harirampur P. S.  
Case No. 93 of 2020 dated 22.06.2020 under Sections 305/34 of  
the Indian Penal Code, the petitioners have filed the present  
application.

Records reveal that by an earlier order dated 26<sup>th</sup> August,  
2020 the application, so far as the petitioner no.2 is concerned,  
was dismissed as not pressed.

The learned advocate appearing for the petitioners  
submits that the petitioners have been falsely implicated. No  
overt act has been attributed to the petitioners and as such  
custodial detention of the petitioners is not necessary.

The learned advocate appearing for the State opposes the  
petitioners' prayer.

We have considered the materials in the case diary wherefrom *prima facie* we do not find any direct allegation against the petitioner no.3. In view thereof, we are of the opinion that custodial detention of the petitioner no.3 is not necessary and her prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner no.3, **viz., Sukhi Soren @ Saren** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

However, the materials *prima facie* disclose involvement of the petitioner no.1 in the alleged offence. In view thereof, we are not inclined to grant anticipatory bail to the petitioner no.1, **viz., Chabilal Soren @ Saren @ Hapna** and his prayer for anticipatory bail accordingly stands rejected.

With the above observations, the application for anticipatory bail, being CRM 5708 of 2020, is rejected.

In view of rejection of the application for anticipatory bail, no further order is required to be passed in the application being CRAN 1 of 2020 [Old: CRAN 4088 of 2020] and the same is, accordingly, disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

