

08. 01.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 4126 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **16/06/2021** in connection with **Raghunathganj Police Station Case No. 100 of 2020** dated **12/02/2020** under Sections **341/323/325/326/307/34** of the Indian Penal Code.

And

In the matter of: - **Subhash Ghosh & Anr.**

....petitioners.

Mr. Sandip Chakraborty,
Mr. Kaustav De

...for the petitioners.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Ashok Das

...for the State.

The petitioners are two out of four accused persons. The petitioners say that there was a dispute between them and the victim over property. There was a scuffle. The victim suffered injury, but nothing serious. Two of the co-accused persons have been granted anticipatory bail by this Court by an order dated July 7, 2020 passed in C.R.M. 4749 of 2020. The present petitioners claim to be similarly circumstanced and pray that the same privilege be extended to them.

Learned Counsel for the State draws our attention to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure as also to the injury report.

We have considered the material on record and the nature and gravity of the offence as also the extent of complicity of the present petitioners in the alleged offence. Charge-sheet has been submitted.

On an overall consideration of the facts and circumstances of the case, we are of the view that immediate custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail. We are also of the view that the two accused persons, who have already been granted anticipatory bail by this Court, are similarly circumstanced as the present petitioners.

Accordingly, in the event of arrest, the petitioners, *viz.* **1. Subhash Ghosh, 2. Bibhas Ghosh @ Soumen Ghosh** shall be released on bail upon furnishing a bond of Rs.10,000/- each 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.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application being C.R.M. 4126 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)