

30.11.2021
Court No.32
rpan / 159

C.R.M. 4208 of 2021

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

And

In re: **Gita Rani @ Gita Ghosh & Others**

- Petitioners

Mr. Prabir Majumder

... for the Petitioners

Mr. S. S. Imam,

Mr. Subrato Roy

... for the State

Apprehending arrest in connection with Krishnaganj Police Station Case No. 108 of 2020 dated 29.05.2020 under Sections 341/324/326/307/506/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Majumder, learned advocate appearing for the petitioners submits that there was a dispute between the parties pertaining to a land property and the petitioners have been falsely implicated. The petitioner no.1 is an aged lady and a widow. The petitioner nos.2 and 3 are the sons of the petitioner no.1. The incident occurred on the spur of the moment and the allegations levelled against the petitioners are omnibus in nature. In the said conspectus, custodial interrogation is not warranted.

Mr. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary. He further submits that investigation is yet not complete.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there is no likelihood that the petitioner no.1, who is an aged lady, would flee from justice and would interfere with the investigation. In view thereof, we are of the opinion that custodial interrogation of the petitioner no.1 is not warranted in the facts and circumstances of the case and direct that in the event of arrest the petitioner no.1, **Gita Rani @ Gita 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

However, from the materials in the case diary, including the statements of the injured witnesses and the injury reports it, *prima facie*, appears that the petitioner nos.2 and 3, namely, **Sashti Ghosh @ Avijit** and **Sarajit Ghosh @ Soumen Ghosh** are directly involved in the alleged offence. In view thereof, we are not inclined to exercise any discretion in their favour and their prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM No. 4208 of 2021, is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)