

CRM 4265 of 2021
(via video conference)
A s s i g n e d

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Habibpur Police Station Case No. 40/2020 dated 03.02.2020 under Sections 448/326/307 of the Indian Penal Code.

In the matter of : **Toton Ghosh**

..... petitioner

Mr. Kalidas Saha

....For the petitioner

Mr. Subrata Roy

.....For the State

The learned Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Habibpur Police Station Case No. 40/2020 dated 03.02.2020 under Sections 448/326/307 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

It is submitted by the learned Advocate for the petitioner that the petitioner has been implicated in connection with the aforementioned case being a victim of incident. It is further submitted that the police is intending to arrest the petitioner in connection with the aforementioned case and prays for anticipatory bail.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail. It is submitted that the injury is grievous in nature, which would be evident from the medical report. Furthermore, charge sheet has already been submitted in this case.

After hearing the respective submissions and on perusal of the materials from the case diary including the injury report, we do not find that the custodial interrogation of the petitioner is necessary, more particularly, charge sheet has already been submitted. In view of the above, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and also subject to the further conditions that the petitioner shall attend the trial Court on each and every date of hearing of the case unless prevented by sufficient cause and in the event of his failure on any date without justifiable cause, the trial Court would be at liberty to cancel the bail without any further reference to this Court.

The application for anticipatory bail being **CRM 4265 of 2021** is, thus, **allowed**.

(Harish Tandon, J.)

(Rabindranath Samanata, J.)