

**CRM 5786 of 2021**  
**(via video conference)**

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Subrata Ghosh & Ors.**

**..... petitioners**

**Mr. Atis Kumar Biswas**  
**Mr. Amit Singh**  
**Mr. Jyoti Agarwal**

**.....For the petitioners**

**Mr. Tanmay Kumar Ghosh**  
**Ms. Sima Biswas**

**.....For the State**

Apprehending arrest in connection with Bhimpur Police Station Case No. 266 of 2020 dated 25.10.2020 under Sections 341/325/326/34 of the Indian Penal Code, the present application has been preferred.

Learned advocate appearing for the petitioners submits that a dispute occurred concerning the Durga Puja amongst the parties and the petitioners have been falsely implicated. The complaint was lodged as a counter-blast to an earlier complaint lodged on behalf of the petitioners. In the incident, the petitioners also were injured. In the said conspectus and as the petitioners have been roped in on the basis of mere suspicion, their custodial interrogation is not warranted.

Mr. Ghosh, learned advocate appearing for the State opposes the prayer of the petitioners and submits that there are incriminating materials against the petitioners in the case diary and as such, the petitioners are not entitled to relief, as prayed for.

Having heard learned advocates appearing for the respective parties and considering the materials on record, the nature of allegations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary. However, the petitioners' movement needs to be restricted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Subrata Ghosh, Arabinda Ghosh, Probhash Ghosh @ Prabhash Chandra Ghosh, Debasish Ghosh, Alope Ghosh, Shyamal Ghosh and Arjun 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, 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 and with further condition that the petitioners shall not enter the jurisdiction of Bhimpur Police Station save and except for meeting with the Investigating Officer of the case once a week on and from 14<sup>th</sup> December, 2021 till investigation is complete. The petitioners shall also intimate the address where they would be residing to the Investigating Officer immediately.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 5786 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.)**