

10.11.2021

CRM 6808 of 2021

Court No.28
Item No.21
(ALLOWED)

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 04.10.2021 in connection with Nischinda Police Station Case No. 81 of 2021 dated 02.05.2021 under Sections 341/323/324/506/349/34 of the Indian Penal Code;

And

In the matter of : **Joy Sil and others.**

...Petitioners

**Mr. Ajit Kumar Mishra,
Mr. Abhishek Acharya.**

...For the Petitioners

**Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan.**

... For the State

The Advocate-on-record of the petitioners 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 Nischinda Police Station Case No. 81 of 2021 dated 02.05.2021 under Sections 341/323/324/506/349/34 of the Indian Penal Code, the petitioners have 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 petitioners that the petitioners have been wrongly implicated in connection with the aforesaid case out of political rivalry. It is further submitted that the instant case has been lodged as a counter-blast to the complaint filed by the petitioners against the complainant therein. It is also submitted that one co-accused, who stands on the same footing that of the petitioners, had already been extended the benefit of anticipatory bail by this Court.

Learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the statement of the injured person would reveal the complicity of the petitioners to the alleged offence and the injury report would also corroborate the same.

After hearing the respective Counsels and on perusal of the materials available in the case diary including the statement of the injured person, we find that the omnibus allegation was made against all the petitioners as well as the Goutam Ganguly, who had already been enlarged on anticipatory bail by this Court on 16th September 2021 in CRM 5940 of 2021.

Since the petitioners stand on the same footing that of Goutam Ganguly, who had already been granted anticipatory bail, we do not find any justification in refusing the similar relief to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, 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 on further conditions that the petitioners shall meet the investigating officer once in a week until further orders and shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail being CRM 6808 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Rabindranath Samanta, J.)

