

**CRM 7602 of 2021**  
**(via video conference)**

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

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

**..... petitioners**

**Mr. Kallol Mondal**  
**Mr. Amanul Islam**  
**Mr. Souvik Das**  
**Mr. Sourav Mukherjee**

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

**Mr. Madhusudan Sur, Ld. APP**  
**Mr. Pravas Bhattacharya**

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

Apprehending arrest in connection with Kaliganj Police Station Case No. 568 of 2021 dated 19.10.2021 under Sections 447/323/326/354/34 of the Indian Penal Code, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioners submits that there is a dispute pertaining to a plot of land amongst the parties and the petitioners have been falsely implicated. Pertaining to the same incident there is also a counter-case amongst the parties. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not warranted.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposes the petitioners' prayer and submits that investigation is at its nascence and there are incriminating materials on record against the petitioners. Mr. Sur has drawn our attention to the statement of the eye witnesses

recorded under Section 161 of the Code of Criminal Procedure as well as the injury report.

Having heard learned advocates and considering the materials in the case diary, the nature of allegations, the injury report and the extent of complicity of the petitioners, we are of the opinion that custodial interrogation of the petitioner nos. 3 to 10 is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner nos. 3 to 10, namely, **Uttam Ghosh, Totan Ghosh @ Goutam Ghosh, Ranjit Ghosh, Baban Ghosh @ Kinkar Ghosh, Chhoton Ghosh @ Subhajit Ghosh, Sadhan Ghosh, Prabir Ghosh** and **Bappa 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further condition that the petitioners shall meet with the Investigating Officer once a week on and from 29<sup>th</sup> December, 2021 till investigation is complete and with further condition that the petitioner nos. 3 to 10 shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioner nos. 3 to 10 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.

However, overt act has been attributed to the petitioner nos. 1 and 2. Considering the extent of their complicity, we are not inclined to exercise discretion in their favour and as such, the prayer for anticipatory bail of the petitioner nos. 1 and 2, namely, Mrityunjoy Ghosh and Sanjit Ghosh @ Sanjoy Ghosh is refused.

The application for anticipatory bail, being CRM 7602 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.)**