

23.12.2021

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. 8755 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nimta** Police Station Case No. **598** of **2021** dated **01.08.2021** under Sections 302/201/120B/34 of the Indian Penal Code, 1860 read with Sections 25/27/35 of the Arms Act.

And

In Re : Sangita Hizra @ Sangita Bhowmick @ Sangita Das.
..... petitioner

Mr. Kallol Mondal
Mr. Krishan Roy
Mr. Souvik Das
Mr. A. Banerjee

....for the petitioner

Mr. Madhusudan Sur
Mr. Manoranjan Mahata

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

Learned advocate appearing for the State submits that, the prayer for bail of two other co-accused were refused by the Coordinate Bench on November 1, 2021 in CRM 6955 of 2021. The draws the attention of the Court to the statement of Laxmi Das recorded under Section 161 of the Code of Criminal Procedure (Cr. P. C.) as well as under Section 164 Cr. P. C. He also refers to the statement of Chutki @ Niraj Shaw recorded under Section 164 in support of the contention of the petitioner

herein are stands on the same footing as that of the prayer for bail was rejected.

Chutki @ Niraj Shaw is not on the same footing as transpires from the statement recorded under Section 161 of the Cr. P. C. of Laxmi Das. Laxmi Das appears to be a victim of the incident and that there are discrepancy of the statement of Laxmi Das recorded under Section 161 Cr. P. C. and under Section 164 Cr. P. C.

In the statement recorded under Section 164 Cr. P. C. of Laxmi Das, the name of the petitioner before us does not transpire.

In such circumstances, we are of the view that the does not stand on the same footing as that of the two other co-accused who were not granted bail on November 1, 2021 in CRM 6955 of 2021.

Considering the gravity of the offence and the complicity of the petitioner therein and the fact that the police filed charge-sheet, we grant anticipatory bail to the petitioner.

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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear before the jurisdictional court on every date fixed

and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)