

19.05.2021
SL No.5
Court No.28
(gc)

CRM 8367 of 2020
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Jalangi Police Station Case No.49/2020 dated 30.01.2020 under Sections 147/148/149/325/326/307/427/435 of the Indian Penal Code read with Section 3/4 Explosive Substance Act read with Section 25/27 Arms Act and subsequently Charge Sheeted under Sections 147/148/149/325/326/307/286/34 of the Indian Penal Code read with Section 27/35 Arms Act.

And

In the matter of : **Golap Rahaman @ Md. Golam Rahaman
Biswas & Ors.**

- Petitioners

Mr. Md. Golam Nure Imrohi,
... For the Petitioners.

Mr. Prasun Kr. Datta,
Mr. Pradipta Ganguly,
... For the State.

It is submitted by the learned Counsel appearing for the petitioners that they have been falsely implicated in the instant case due to prior rivalry. Petitioners had instituted criminal case against the de facto complainant and his family members for the murder of their relation.

It is submitted by the learned Counsel appearing for the State that the victim has been assaulted by the petitioners as a result whereof he suffered injury and was hospitalized.

We have considered the materials on record. Petitioners do not appear to be the principal accused. Possibility of false implication owing to prior enmity cannot be wholly ruled out. In

view of the facts and circumstances of the case, we are inclined in granting anticipatory bail to them.

We have also taken into consideration the order passed by a Coordinate Bench in **CRM 9709 of 2020 (In Re: Bablu Sk. @ Golam Mostafa Sarkar & Anr.) dated 4th December, 2020** qua four other co-accused persons against whom submission was made on behalf of the State that the victim was shot by one of the petitioners. In CRM 9709 of 2020, the Coordinate Bench allowed the anticipatory bail to all the four co-accused persons. It appears to us that the present petitioners stand on a better footing and, in our view, the present petitioners may be allowed anticipatory bail for the reasons recorded earlier.

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, 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.

The application for anticipatory bail, being CRM No.8367 of 2020 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)