

12.03.2021.

142.

as

(Allowed).

C.R.M. 11053 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Raghunathganj P.S. Case No.86 of 2020 dated 07.02.2020 under Sections 417/376 of the Indian Penal Code, Section 120B/34 of the Indian Penal Code and Section 506/34 of the Indian Penal Code.

In the matter of : Ram Sarkar & Ors.

... Petitioners.

Mr. Yusuf Ali Dewan,
Mr. Asif Dewan.

...for the Petitioners.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Soumik Ganguli.

.....for the State.

Apprehending arrest in connection with Raghunathganj P.S. Case No.86 of 2020 dated 07.02.2020 under Sections 417/376 of the Indian Penal Code, Section 120B/34 of the Indian Penal Code and Section 506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

The learned Advocate appearing for the petitioners submits that they have been falsely implicated in connection with the aforementioned case having no complicity to the alleged offence. It is submitted that the petitioner no.2, viz., Ashoke Sarkar has already been arrested and subsequently released on bail and, therefore, the prayer for anticipatory bail

so far as the petitioner no.2 is concerned has become infructuous.

The learned Advocate for the petitioners presses the instant application for the petitioner Nos.1, Ram Sarkar, 3, Tajen Niyogi, 4, Biswapriya Nath @ Bishnu and 5, Kedarnath Pramanik @ Bappa Pramanik. It is further submitted that the petitioner Nos.4 and 5 are the local reporters and published some articles in relation thereto and, therefore, has been implicated in the instant case.

On the other hand, the learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the main accused i.e. Saikat Karmakar has been enlarged on bail and the present petitioners except petitioner no.2 have been implicated because of the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. It is further submitted that the charge sheet has already been submitted in the trial court.

After hearing the respective counsels and on perusal of the Case Diary and also the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, we feel that it is a fit case where the petitioner Nos.1, 3, 4 and 5 should be granted privilege of anticipatory bail.

Accordingly, the application is allowed so far as the petitioner Nos.1, 3, 4 and 5 are concerned.

Therefore, the petitioner Nos.1, 3, 4 and 5 shall surrender before the learned Additional Chief Judicial

Magistrate, Jangipur within a week from the date of obtaining the certified copy of this order and in the event of arrest the petitioner Nos.1, 3, 4 and 5 shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one must be local subject to the satisfaction of the learned Additional Chief Judicial Magistrate, Jangipur with further condition that the petitioner Nos.1, 3, 4 and 5 shall appear before the Sessions Court on each day when the matter would be fixed before the Sessions Judge and in default on any solitary occasion without any justifiable cause may disentitle the petitioner Nos.1, 3, 4 and 5 from getting privilege of anticipatory bail without reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Harish Tandon, J.)

(Kausik Chanda,J.)