

12.03.2021
Item no. 103
Ct.04
PG

C.R.M. No.11157 of 2020

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No. 216 of 2020 dated 15.05.2020 under Sections 341/325/326/307/34 of the Indian Penal Code read with Sections 25/27 of Arms Act.

And

In the matter of:- Uttam Ghosh & Ors.

... Petitioners

Ms. Shabana Hasin.....for petitioners

Mr. Sujan Chatterjee ..for State

The present application under section 438 of the Code of Criminal Procedure filed at the instance of Uttam Ghosh and others is taken up for hearing and order.

It is submitted on behalf of the petitioners that they have been falsely implicated in this case and did not participate in the alleged assault.

Learned lawyer appearing for State opposes the prayer for anticipatory bail and refers to the case diary and submits that the principal assailants have already been arrested. The petitioners accompanied the principal assailants on the date of the alleged incident.

It transpires on perusal of the case diary that the principal assailants who shot at the victim and brutally assaulted him are already arrested. Materials available against the present

petitioners do not justify their detention for the purpose of custodial interrogation.

Accordingly, we direct that in the event of arrest the petitioners shall be released on anticipatory bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand) only 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 condition that petitioners will meet the investigating officer once in a week till submission of charge sheet.

The application for anticipatory bail is, accordingly, allowed.

C.R.M. 11157 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)

