

21 06.01.2022
(AD
& Court No.29
Sub (Partly
rata) Allowed)

**C.R.M. (A)2 of 2022
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Belda** P.S. Case No. **391 of 2021** dated **12/11/2021** under Sections **447/323/325/307/379/427/506/34** of the Indian Penal Code, 1860.

And

In the matter of: Sanjay Khatuya alias Budhadev & Ors.
....petitioners.

Mr. Pravas Bhattacharyya
...for the petitioners.

Mr. Arijit Ganguli
Ms. Sujata Das

...for the State.

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. The statement of the witnesses disclose predominant role played by petitioner no.1(Sanjay Khatuya alias Budhadev) in causing injury on the victim in the alleged offence. Hence, we are not inclined to grant anticipatory bail to the petitioner no.1.

Keeping in mind the extent of complicity of the petitioner nos.2 to 6 in the alleged crime and as the false implications of petitioner nos.2 to 6 due to enmity between the parties cannot be ruled out, we are inclined to grant anticipatory bail to the petitioner nos.2 to 6.

Accordingly, we direct that in the event of arrest, the petitioner nos.2 to 6 shall be released on bail upon furnishing a Bond of Rs.10,000/- each 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.

The petitioner nos.2 to 6 shall appear before the Court below and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. (A) 2 of 2022 is, thus, disposed of.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)