

**22.02.2022**

Court No.32  
rpan / **10**

**C.R.M.(A) 230 of 2022**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Dhananjay Ghosh @ Bapi Ghosh & 4 Others**

- Petitioners.

Ms. Minoti Gomes,  
Mr. Sourav Chatterjee  
... for the Petitioners.  
Mr. Bidyut Kumar Roy,  
Ms. Sima Biswas  
... for the State.

Apprehending arrest in connection with Tehatta Police Station Case no.06 of 2022 dated 02.01.2022 under Sections 341/325/326/307/506/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated due to previous enmity. It is only after a complaint was lodged on behalf of the petitioners pertaining to the incident, being Tehatta Police Station Case no.5 of 2022, the *de facto* complainant and others lodged the present complaint. The allegations are omnibus in nature and in the said conspectus, custodial interrogation may not be necessary.

Ms. Biswas, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as well as the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, including the injury report, the nature of accusations and

the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow the prayer for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Dhananjoy Ghosh @ Bapi Ghosh, Nabakumar Ghosh, Basanti Rani Ghosh @ Basanti Ghosh, Alpana Ghosh and Arpita Ghosh** shall be released on bail upon furnishing a 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner no.1 shall meet with the Investigating Officer of the case once a week till investigation is complete.

It is further directed that the petitioners shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 230 of 2022 is, thus, disposed of.

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

**(Sugato Majumdar, J.)**

**(Tapabrata Chakraborty, J.)**