

08.03.2022

Item no.39
Court No.32
Avijit Mitra

C.R.M.(A) 585 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Chakdaha Police Station Case No.586 of 2021 dated 13.10.2021 under Sections 323/325/326/34 of the Indian Penal Code;
And

In Re : Bangshi Byadh @ Bangshi Ghosh

.... petitioner

Mr. Suman Das Adhikary

....for the petitioner

Mr. Anwar Hossain,

Mr. Arif Ekbal Molla

...for the State

Mr. Das Adhikary, learned lawyer for the petitioner submitted that the other co-accused is on bail. The present petitioner is more favourably situated than the other accused person, who is enlarged on statutory bail. Accordingly, he prays that the present petitioner may be granted anticipatory bail.

Per contra, Mr. Molla, learned lawyer appearing for the State submitted that the allegation is very grave and serious and the victim was assaulted with an iron rod for which he sustained severe injuries. According to him, anticipatory bail should not be granted to the present petitioner.

We have heard the rival submissions and perused the case diary. It appears from the statement of the victim and other witnesses that the present petitioner is not similarly situated with the other one who is on statutory bail and who is the principal

assailant. The role of this petitioner is to call the victim to his residence. On perusal of case diary and other materials and considering the complicity of the present petitioner in the alleged offence, we are inclined to allow anticipatory bail to the present petitioner.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Bangshi Byadh @ Bangshi Ghosh**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 shall not leave Chakdaha Police Station without the prior permission of the Investigating Officer and shall also meet the Investigating Officer once a week till the investigation is complete.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

Accordingly, the application for anticipatory bail being C.R.M.(A) 585 of 2022 is 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.)