

CRM (A) 1282 of 2022

In re: An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.03.2022 in connection with Hanskhali P.S. Case No. 768 of 2021 dated 05.11.2021 under Sections 447/326/307/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

-And-

In the matter of : **Mihir Biswas & Ors.**

... ..Petitioners

Mr. Rudradipta Nandy, Advocate

Mr. Milan Nandi, Advocate

Ms. Debadrita Mondal, Advocate

... .. For the Petitioners

Mr. Saswata Gopal Mukherjee, Id. PP

Mr. Aniket Mitra, Advocate

... .. For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. He submits that first and the second petitioner are physically challenged. He refers to the medical certificate in support of the first two petitioners which state that the first petitioner is 75% physically challenged while it is 80% for the second petitioner.

Learned Public Prosecutor appearing for the State draws the attention to the statement recorded under Section 164 of the Code of Criminal Procedure of the eye witnesses. He also refers to another statement recorded under Section 164 of the Code of Criminal Procedure of another eye witness.

Considering the medical condition of the first two petitioners and solely on such ground, we are inclined to grant anticipatory bail to the petitioner nos. 1 (Mihir Biswas) and 2 (Badal Biswas).

Considering the gravity of the offence and the involvement of the petitioner no. 3 (Mridul Biswas), we are unable to grant anticipatory to him.

So far as the petitioner nos. 4 and 5 are concerned, learned Advocate appearing for the petitioners submits that they are not pressing the application.

In such circumstances, CRM (A) 1282 of 2022 is dismissed as not pressed on behalf of petitioner nos. 4 and 5 are concerned.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1 (Mihir Biswas) and 2 (Badal Biswas) 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 and on condition that the petitioners will report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition that the petitioner nos. 1 (Mihir Biswas) and 2 (Badal Biswas) shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail is partly allowed.

CRM (A) 1282 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)