

06.04.2022
Serial no. 11
[Dd]
(Anticipatory Bail
Allowed)

CRM(A) 1571 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **845** of **2021** dated **16.11.2021** under Sections **341/326/307/120b/34** of the Indian Penal Code read with **25(i)(a)/27** of the Arms Act vide G.R. Case No. **2745 of 2021**.

-And-

In the matter of : **Unshak @ Unshaque Ali @ Unshaque & Ors.**
... .. Petitioners

Mr. Kaustav Bagchi,
Mr. Debayan Ghosh,
Mr. Asfak Ahmed, Advocates
... .. *For the Petitioners*

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta, Advocates
... ..*For the State*

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that although the petitioners were named in the first information report, no overact was attributed to any of them. One of the principal assailants is on bail.

Learned advocate appearing for the State submits that the petitioners are named in the statement of one of the injured victims recorded under Section 164 of the Criminal Procedure Code. However, the role attributed to the petitioners are as conspirator. The police are yet to submit charge sheet. He submits that one of the main assailants was enlarged on bail by the jurisdictional Court on the ground of the police failing to submit charge sheet within 90 days.

Considering the fact that one of the assailants was enlarged on bail by the jurisdictional Court and considering

the statement of one of the injured victims recorded under Section 164 of the Criminal Procedure Code where the petitioners are claimed to be conspirators and their presence being noted therein, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioners 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.

Prayer for anticipatory bail of the petitioners is **allowed.**

CRM(A) 1571 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)