

25.04.2022

Sl. 42
Court No.29
sourav
(Partly
Allowed)

C.R.M. (A) 1877 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **26** of **2022** dated **13.01.2022** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: **Poly Ghosh & Ors.**

....petitioners.

Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. Neguive Ahmed

Ms. Ayantika Ray

...for the State.

Petitioners prays for anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners are ladies. The petitioners were falsely implicated. The police filed charge-sheet.

Learned Additional Public Prosecutor appearing for the State draws the attention of the Court to the statement of one of the eyewitnesses recorded under 161 of the Criminal Procedure Code.

The eyewitnesses referred to by the Additional Public Prosecutor names the first, third and sixth petitioners and implicates them in the offence.

Considering the gravity of the offence and the involvement of the petitioners therein and considering the fact that the police filed charge-sheet, we are unable to grant anticipatory bail to the petitioner nos. **1 (Poly Ghosh), 3 (Indrani Ghosh) and 6 (Panchami Ghosh)**. However, we grant anticipatory bail to the petitioner nos. **2 (Barnali Ghosh), 4 (Sita Ghosh) and 5 (Swampa Saha)**.

Accordingly, we direct that in the event of arrest, the petitioner nos. **2 (Barnali Ghosh), 4 (Sita Ghosh) and 5 (Swampa**

Saha) 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 petitioner nos. 2, 4 and 5 will co-operate with the Investigation and on condition that the petitioner 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 petitioner nos. 2, 4 and 5 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 1877 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

