

08.06.2022

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Allowed

C.R.M.(A) 2399 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 Re : Arun Ghosh & Ors. .... petitioners

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

.....for the petitioners

Mr. Saswata Gopal Mukherjee, learned P.P.

Mr. Neguive Ahmed, learned APP

Ms. Trina Mitra

....for the State

Learned Counsel appearing for the petitioners submits his clients stand on the same footing with co-accuseds who have been granted pre-arrest bail in CRM (A) 1877 of 2022.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Keeping in mind the extent of complicity of the petitioners in the alleged crime and as they stand on the same footing with co-accuseds namely Barnali Ghosh, Sita Ghosh and Swampa Saha who have been granted pre-arrest bail, we are inclined to extend the same privilege to the petitioners also.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 condition that the petitioners shall co-operate with the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**

**C.R.M. 11960 of 2017**

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.

And

In Re : Aslam Ali Sk. @ Aslam Sk. .... petitioner

Mr. Kallol Mondal,  
Ms. Amrita Chel

.....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

**(Joymalya Bagchi, J.)**

