

16.06.2022
cm/ct 28
sl no. 152

C.R.M. (A) No. 2789 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with **Chanditala P.S Case No. 405 of 2021** dated **20.01.2021** under section 341/325/326/307/354/34/120B of the Indian Penal Code.
And

Allowed

In Re : Parimal Mallick & Anr.

..... petitioners
Mr. Arup Kumar Bhowmick
... for the Petitioners.

Ms. Faria Hossain
Ms. Mamata Jana
..... for the State

Heard the learned advocates for both the parties.

Petitioners are not named in the First Information Report. It is contended that they have been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail. She submits prayer for pre-arrest bail of co accused Dipali Mallick was rejected by a coordinate Bench of this Court.

We have considered the materials on record. Keeping in mind the extent of complicity of the petitioners in the alleged crime in the light of submission that they are not named in the First Information Report and as co accused Dipali Mallick (whose prayer for pre arrest bail was turned down by this court) is named in the First Information report and his complicity is on a higher footing than the petitioners, 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/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) No. 2789 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)