

08.07.2022
Serial no.46 & 47
Aloke

CRM (A) 3262 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bidhannagar Women Police Station Case No. 08 of 2021 dated 13.03.2021 under Sections 354/354B/509/307/323/325/506/34 of the Indian Penal Code.

-And-

In the matter of : **Sumit Goel & Anr.**

... .. Petitioners

WITH

CRM (A) 3264 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bidhannagar Women Police Station Case No. 08 of 2021 dated 13.03.2021 under Sections 354/354B/509/307/323/325/506/34 of the Indian Penal Code.

-And-

In the matter of : **Madan Gopal Goel & Anr.**

... .. Petitioners

Mr. Sandipan Ganguly, Sr. Advocate
Mr. Ayan Bhattacharjee, Advocate
Mr. Siddhartha Sharma, Advocate
Mr. Md. Danish Taslim, Advocate
Mr. Aman Kataruka, Advocate

... .. For the Petitioners
in CRM (A) 3262 of 2022

Mr. Abhra Mukherjee, Advocate
Ms. Manisha Sharma, Advocate
Mr. Dipankar Mahato, Advocate

... ..For the State
in CRM (A) 3262 of 2022

Mr. Naresh Balodia, Advocate
Mr. Md. Zohaib Rauf, Advocate

... .. For the de facto complainant

Mr. Sabyasachi Banerjee, Advocate
 Mr. Moyukh Mukherjee, Advocate
 Mr. Sidhartha Sharma, Advocate
 Mr. Md. Danish Taslim, Advocate
 Mr. Aman Kataruka, Advocate

... ... For the Petitioners in
 CRM (A) 3264 of 2022

Mr. Shiladitya Banerjee, Advocate
 Mr. Mazhar Hossain Choawdhury, Advocate

... ...For the State in
 CRM (A) 3264 of 2022

Two applications for anticipatory bail are taken up analogously as they emanate out of the same police case.

Learned Senior Advocate appearing for the petitioners in CRM (A) 3262 of 2022 submits that a criminal complaint was lodged by the de facto complainant where both the accused were enlarged on anticipatory bail. As against one of the accused the complaint was quashed. He refers to the two complaints. He submits that all the petitioners in both the applications for anticipatory bail were falsely implicated.

Learned Advocates appearing for the State in both the applications draws the attention to the materials in the case diary and the injury report.

The de facto complainant is represented.

The contention of the petitioners that the present police complaint and the previous complaint are similar in nature cannot be overlooked at this stage. Moreover, the petitioners were enlarged on anticipatory bail in the earlier police complaint.

In such circumstancaes, 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 condition that the petitioner No. 1 of CRM (A) 3264 of 2022 and the petitioners of CRM (A) 3262 of 2022 shall meet the Investigating Officer as when called for till the conclusion of the investigation and the petitioner No. 2 in CRM (A) 3264 of 2022 shall cooperate with the investigation and on condition that the petitioners shall appear on every date 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) 3262 of 2022 and CRM (A) 3264 of 2022 are disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)