

18.07.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 3403 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balagarh** Police Station Case No. **120** of **2021** dated **04.05.2021** under Sections 341/325/326/307/120B of the Indian Penal Code, 1860.

And

In Re : Gouri Ghosh & Ors.

..... petitioners

Mr. Amitava Karmakar

Mr. Arup Kumar Bhowmick

....for the petitioners

Md. Anwar Hossain

Ms. Ratna Ghosh

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the other co-accused were granted anticipatory bail.

Learned advocate appearing for the State submits that, one weapon was recovered from the possession of the petitioner no. 2. The police filed charge-sheet.

One of the weapons was recovered from the petitioner no. 2.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 2 (Sahajit Ghosh).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 2 is concerned.

So far as the petitioner nos. 1 and 3 are concerned, we grant anticipatory bail to the petitioner nos. 1 (Gouri Ghosh) and 3 (Jiban Ghosh).

Accordingly, we direct that in the event of arrest the petitioner nos. 1 and 3 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 petitioner nos. 1 and 3 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 petitioner nos. 1 and 3 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)