

26.07.2022
Serial no.35
Aloke

CRM (A) 3560 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kotulpur Police Station Case No. 140 of 2020 dated 07.11.2020 under Sections 341/326/307/506/34 of the Indian Penal Code.

-And-

In the matter of : **Abani Ghosh @ Aboni Ghosh**

... .. Petitioner

Mr. Kallol Mondal, Advocate

Mr. Krishan Ray, Advocate

Mr. Souvik Das, Advocate

Ms. Anamitra Banerjee, Advocate

... .. For the Petitioner

Mr. Saswata Gopal Mukherjee, Id. PP

Ms. Faria Hossain, Advocate

Ms. Baishali Basu, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The police filed charge-sheet.

Learned Public Prosecutor draws the attention to the declaration made by the victim before the learned Executive Magistrate.

Apparently, five co-accused were enlarged on bail by the jurisdictional Court. The declaration made by the victim before the Executive Magistrate does not contain the name of the petitioner.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 3560 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)