

8 05.08.2022  
(AD) Court No.29  
(Allowed)

**C.R.M. (A) 3744 of 2022**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali** Police Station Case No. **650 of 2019** dated **28/10/2019** under Sections **341/325/326/307/302/34** of the Indian Penal Code, 1860.

And

In the matter of: Sanjit Bhakat @ Sandip & Ors.

....petitioners.

Mr. Avik Ghatak  
Mr. Amit Ranjan Pati

...for the petitioners.

Mr. Rudradipta Nandy, Ld. APP  
Ms. Sreeparna Das

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were not named in the first charge sheet. The petitioners were subsequently roped into the police case through the supplementary charge sheet. He refers to an order dated July 20, 2022 passed in CRM (A) 3430 of 2022 and the order dated June 16, 2022 passed in CRM (A) 2618 of 2022 granting anticipatory bail to the other two co-accuseds.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail. He submits that the petitioners herein were named in the statements recorded under Section 164 of the Code of Criminal procedure. Such statements were recorded much prior to the filing of the first charge sheet. The petitioners do not stand on the same footing as that of the two other co-accuseds who were enlarged on anticipatory bail on

June 16, 2022 and July 20, 2022. Such co-accuseds were not named in the statements recorded under Section 164 of the Code of Criminal Procedure. He draws the attention of the Court to the contents of the statement recorded under Section 164 of the Code of Criminal Procedure. He submits all the petitioners are complicit in the incident of murder. He submits that the laxity on the part of the investigating agency will not provide corresponding benefit to the petitioners who are accused in the criminal case.

In the present police case, two charge sheets were filed. The first charge sheet did not name any of the petitioners. The police thereafter filed the supplementary charge sheet where the petitioners were named. The issue of their involvement of the police case is required to be adjudicated at the trial Court.

Since the petitioners were not named in the first charge sheet, we 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 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 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.

The prayer for anticipatory bail of the petitioners is allowed.

**C.R.M. (A) 3744 of 2022** is disposed of.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**