

23.08.2022
20
Ct. No. 29
KAUSHIK
Partly
Allowed

C.R.M.(A) 4007 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **392** of **2022** dated **20.07.2022** under Sections 341/325/326/354/34 of the Indian Penal Code, 1860.

And

In Re : Shambhu Ghosh & Ors.

..... petitioners

Mr. Amitava Karmakar

Mr. Arup Kumar Bhowmick

....for the petitioners

Md. Anwar Hossain

Ms. Benazir Hasna

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, incident occurred after a marriage celebration between the fifth petitioner and the daughter of the de-facto complainant.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, one of the injured suffered grievous hurt. He refers to the statements of the eye witness under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

The victim suffered grievous hurt. 161 Cr.P.C. statement of the eye witness implicate the first four petitioners in assaulting such victim.

In such circumstances, we are unable to grant anticipatory bail to the petitioner nos. 1 (Shambhu Ghosh), 2 (Dilip Ghosh), 3 (Nayan Ghosh) and 4 (Bapi Ghosh).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner nos. 1 to 4 is concerned.

So far as the petitioner nos. 5 to 16 are concerned, we grant anticipatory bail to the petitioner nos. 5 (Ajay Ghosh), 6 (Nipen Ghosh), 7 (Uttam Ghosh), 8 (Bahadur Ghosh), 9 (Mantu Ghosh), 10 (Dipankar Ghosh), 11 (Prasanta Ghosh), 12 (Sandhya Ghosh), 13 (Manda Ghosh), 14 (Renu Mandal), 15 (Fukiya Ghosh) and 16 (Milan Ghosh).

Accordingly, we direct that in the event of arrest the petitioner nos. 5 to 16 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 further condition that the petitioner nos. 12 to 16 shall cooperate the Investigating Officer till the conclusion of the investigation and petitioner nos. 5 to 11 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner nos. 5 to 16 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. 5 to 16 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.)