

29.09.2022.
32.
AD/KC
(Partly
Allowed).

C.R.M. (A) 4719 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali P. S.** Case No.709 of 2022 dated 14.07.2022 under Sections **341/325/326/308/34** of the Indian Penal Code.

In the matter of : Abhijit Ghosh @ Shib Shankar Ghosh & Ors.
... Petitioners.

Mr. Dhananjoy Banerjee
Mr. Omar Faruk Gazi
Ms. Oindrila Ghosh

...for the Petitioners.

Mr. Madhusudan Sur
Mr. Dipankar Pramanick

.....for the State.

It is submitted on behalf of the petitioner there is prior enmity between the parties. They have been falsely implicated.

Learned advocate for the State opposes the prayer for anticipatory bail. He submits petitioner no. 1, Abhijit Ghosh @ Shib Shankar Ghosh, had run over the victim with a truck.

We have considered the materials on record. There are serious allegations against petitioner no. 1. Hence, we are not inclined to grant anticipatory bail to petitioner no. 1.

However, keeping in mind the extent of complicity of petitioner nos. 2 (Ashok Ghosh) and 3 (Sabsankar Ghosh) in the alleged crime and as possibility of false implication due

to prior enmity cannot be ruled out, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest the petitioner nos. 2 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 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. 2 and 3 shall appear before the trial court and pray for regular bail within a period of four weeks from date.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)