

18.11.2022

23

Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 5293 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **366** of **2021** dated **12.07.2021** under Sections 448/326/307/427/379/506/34 of the Indian Penal Code, 1860.

And

In Re : Shankar Ghosh & Ors.

..... petitioners

Mr. Asraf Mondal

....for the petitioners

Mr. Shiladitya Banerjee

....for the State

The injury report of the injured suggest that the injured suffered grievous hurt.

Apparently, the petitioner no. 3 (Santosh Ghosh) assaulted the injured while the petitioner no. 1 (Shankar Ghosh) was holding the injured.

In such circumstances, we are unable to grant anticipatory bail to the petitioner nos. 1 and 3.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner nos. 1 and 3 is concerned.

So far as the petitioner nos. 2 (Paritosh Ghosh) and 4 (Sagar Ghosh) are concerned, we grant them anticipatory bail as no specific role seems to be attributed so far as they are concerned.

Accordingly, we direct that in the event of arrest the petitioner nos. 2 and 4 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. 2 and 4 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner nos. 2 and 4 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. 2 and 4 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.)

(Md. Shabbar Rashidi, J.)