

34 20.12.2022  
(AD)

Court No.29  
(Partly  
Allowed)

**C.R.M. (A) 5907 of 2022**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Englishbazar** P.S. Case No.**239 of 2022** dated **13/02/2022** under Sections **195(A)** of the Indian Penal Code , (G.R. No.966 of 2022) arising out of complaint filed before the learned Court of Chief Judicial Magistrate, Malda being Case No.33 MP/2022 on 16.01.2022 with the prayer to forward the complaint to the English Bazar Police Station and treat the complaint as F.I.R. u/s 156(3) of Cr.P.C.

And

In the matter of: **Mithun Das & Ors.**

....petitioners.

Ms. Minoti Gomes  
Mr. Musharraf Alam Sk.  
Ms. Susmita Ghorai

...for the petitioners.

Mr. Shiladitya Banerjee

...for the State.

Petitioners pray for anticipatory bail.

The police complaint alleges that, the petitioners threatened the de facto complainant with dire consequences for the earlier police case and tried to prevail upon the de facto complainant to withdraw the earlier police case.

Apparently, the petitioners are on bail in the earlier police case.

There are two statements recorded under Section 161 of the Code of Criminal Procedure which speaks about male members trying to intimidate the de facto complainant.

In such circumstances, we are unable to grant anticipatory bail to the petitioner nos.1,2 and 6, namely, Mithun Das, Niranjana Das and Ajit Karmakar.

Accordingly, the prayer for anticipatory bail of the petitioner nos.1,2 and 6, namely, Mithun Das, Niranjana Das and

Ajit Karmakar, is rejected.

So far as the other petitioners, that is, petitioner nos.3, 4 and 5, namely, Atosi Das, Kum Kum Das @ Chaudhury and Panchami Karmakar are concerned, we grant them anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner nos. 3,4 and 5 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 further condition that the petitioner nos.3,4 and 5 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioner nos.3,4 and 5 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.3,4 and 5 in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner nos.3,4 and 5 is allowed.

**C.R.M. (A) 5907 of 2022** is disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**