

18.01.2023
Serial no. 16
[Dd]
(Anticipatory Bail)
(**Partly Allowed**)

CRM (A) 221 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **960** of **2022** dated **25.10.2022** under Sections **341/323/325/326/307/506/34** of the Indian Penal Code.

-And-

In the matter of : **Tarak Ghosh & Ors.**

... .. Petitioners

Mr. Atis Kr. Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal, Advocates
... .. *For the Petitioners*

Mr. Sujan Chatterjee, Advocate
... ..*For the State*

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that the incident occurred within the family members. The injured victim used to mistreat his wife. The petitioners protested with regard to such activities of the injured whereupon the incident occurred. The first petitioner also suffered fractured injuries.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the injured suffered injuries leading to amputation of one of his thumb.

Apparently, the first petitioner was identified as the person dealing with the blow leading to the amputation to the thumb of the victim.

The incident occurred amongst the family members.

In such circumstances, we are not inclined to grant anticipatory bail to first petitioner (Tarak Ghosh).

However, so far as the petitioner nos. 2 (Parbati Ghosh) and petitioner no. 3 (Jhuma @ Arpita Ghosh) are concerned, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest the petitioner no. 2 (Parbati Ghosh) and petitioner no. 3 (Jhuma @ Arpita Ghosh) 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and petitioner no. 2 (Parbati Ghosh) and petitioner no. 3 (Jhuma @ Arpita Ghosh) shall cooperate with the investigation till its completion and on further condition that the petitioner no. 2 (Parbati Ghosh) and petitioner no. 3 (Jhuma @ Arpita Ghosh) 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 no. 2 (Parbati Ghosh) and petitioner no. 3 (Jhuma @ Arpita Ghosh) in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **partly allowed**.

CRM (A) 221 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

