

20.01.2023

16

Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 291 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Patrasayer** Police Station Case No. **77** of **2019** dated **15.06.2019** under Sections 147/148/149/448/427/379/326/307 of the Indian Penal Code, 1860 read with Section 3/ 4 of the Explosive Substances Act read with Sections 25/27 of the Arms Act.

And

In Re : Dibyendu Kundu @ Babul @ Bablu Kundu & Ors.
..... petitioners

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee
....for the petitioners

Mr. Sudip Ghosh
Mr. Apurba Kumar Dutta
....for the State

Police filed charge-sheet.

The materials in the case diary implicate the petitioner no. 7 (Muktipad Santra @ Mukta @ Mukta Santra) in the incident more specifically. The injured eye witness stated that, petitioner no. 7 assaulted him.

There are statements of eye witness stating that, the petitioner no. 7 was carrying a fire arm.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 7.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 1 is concerned.

So far as the petitioner nos. 1 (Dibyendu Kundu @ Babul @ Bablu Kundu), 2 (Haradhan Karmakar), 3 (Bapan Ghosh), 4 (Bapan Saha), 5 (Chhotan Saha), 6 (Shrikanta Saha @ Piku Saha), 8 (Budhan Santra) and 9 (Tarapada Santra) are concerned, we grant them anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner nos. 1 to 6, 8 and 9 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 condition that the petitioner nos. 1 to 6, 8 and 9 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. 1 to 6, 8 and 9 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.)

