

04.04.2023

20

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1418 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Panchla** Police Station Case No. **20** of **2023** dated **22.01.2023** under Sections 195A/506/34 of the Indian Penal Code, 1860.

And

In Re : Taslima Begum & Ors.

..... petitioners

Mr. Subhasish Pachchal

....for the petitioners

Mr. Tanmoy Kumar Ghosh

Mr. Arindam Sen

....for the State

Petitioners claim to be falsely implicated.

Apparently, a person succumbed to his injuries in a free fight between the parties after a fortnight from the date of the incident.

Prayer for bail of such co-accused was allowed by the Coordinate Bench on the ground that whether such co-accused intended to murder the victim was required to be assessed in the light of the circumstances established during the trial.

In such police case, police submitted charge-sheet.

We granted anticipatory bail to another co-accused in such police case on March 27, 2023 passed in CRM(A) 1231 of 2023.

Subsequently, the present police case was lodged claiming that the petitioner is threatening the witnesses of the previous police case.

Learned advocate appearing for the State draws our attention to the materials in the case diary. He submits that, police seized poster which contains the threat against the witnesses in the earlier police case.

In reply to query of the Court, learned advocate for the State submits that, there was no material in the case diary suggesting that the petitioners pasted such poster or not.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners 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 petitioners shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners 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 in Court

including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)