

10.04.2023

Sl.11
Court No.29
(AD)
(Partly
Allowed)

C.R.M. (A) 1477 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhimpur** Police Station Case No.**98 of 2023** dated **30.03.2023** under Sections **452/325/326/307/34** of the Indian Penal Code, 1860.
And

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

....petitioners.

Ms. Minoti Gomes
Mr. Amanul Islam
Mr. Sourav Mukherjee

... for the petitioners.

Mr. Avishek Sinha

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that, there is a police complaint over the same issue lodged at the behest of the petitioners.

Learned Advocate appearing for the State draws the attention of the Court to the injury report and the statements recorded under Section 161 of the Code of Criminal Procedure.

Apparently, an incident of assault took place where, the petitioners were involved. Out of the petitioners, the injured names petitioner nos.1 and 4 as persons who were possessing weapons.

It is claimed that, the petitioner no.4 assaulted the injured with a sharp-cutting weapon while petitioner no.1 assaulted the injured with an iron rod.

Considering the gravity of the offence and the involvement of the petitioners in the incident, we are unable to grant anticipatory bail to the petitioner nos.1 and 4, namely, Amit Ghosh and Bibek Ghosh @ Amit Ghosh.

Accordingly, the prayer for anticipatory bail of the petitioner nos.1 and 4, namely, Amit Ghosh and Bibek Ghosh @ Amit Ghosh is rejected.

So far as the petitioner nos.2 and 3, namely, Biswanath Ghosh and Samir Ghosh @ Nirmal Ghosh, are concerned, we grant them anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner nos.2 and 3 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 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.2 and 3 will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner nos.2 and 3 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 3 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner nos.2 and 3, namely, Biswanath Ghosh and Samir Ghosh @ Nirmal Ghosh, is allowed.

C.R.M. (A) 1477 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

