

01.05.2023

40

Ct. No. 29

KAUSHIK

C.R.M. 4661 of 2018

In Re : Dipak Ghosh

..... petitioner

Mr. Soumyajit Das Mahapatra
... for the petitioner.

The application is pending since 2018.

Anticipatory bail was granted to the private opposite party on May 1, 2018.

Materials in the case diary, the fact that the private opposite party was not the principal assailant and the fact that the co-accused was enlarged on anticipatory bail were taken into consideration while granting anticipatory bail to the private opposite party.

The Coordinate Bench also noted the order dated April 13, 2017 by which, the Jurisdictional Court issued warrant proclamation and attachment against the accused persons. The Coordinate Bench opined that the simultaneous issuance of such processes by the Magistrate is contrary to law and cannot denude the jurisdiction of the Court to consider the prayer of the private opposite party on merits.

The Coordinate Bench took into the consideration the extent of complicity of the private opposite party and the similar circumstanced co-accused, who was granted pre-arrest bail and proceeded to grant pre-arrest bail to the private opposite party herein.

In such circumstances, we find no reason to interfere with the order granting anticipatory bail to the private opposite party.

CRM 4661 of 2018 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)