

16.08.2023
Sl. No.13(S/L)
[ALLOWED]
as

C. R. M. (A) 3467 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mayureswar Police Station Case No. 77 of 2023 dated 08.07.2023 under Sections 447/326/379/427/34 of the Indian Penal Code.

In Re: ***Kanchan Ghosh.***

... .. Petitioner

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. I Souvik Das,
Mr. Anamitra Banerjee.

... .. for the petitioner

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Soumik Ganguli.

... .. for the State

1. It is submitted he has been falsely implicated in the case. Allegation of burning of ballot papers etc. are out and out false. He prays for bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Seizure list show burnt papers. However, it is unclear as to who had burnt the ballot papers at the polling booth. Statements of witnesses do not show petitioner had assaulted the victim.
4. Keeping in mind the aforesaid facts, we are of the opinion custodial interrogation for progress of investigation is not necessary but petitioner requires to co-operate with the investigation in accordance with law.
5. Accordingly, we direct that in the event of arrest, the accused/petitioner viz., ***Kanchan Ghosh*** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer

and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner, while on bail, shall meet the Investigating Officer once in a week until further orders. He shall appear before the court below and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)