

13.09.2023
ML. 45
Court No. 29
Suvayan
(Partly Allowed)

C.R.M. (A) 3652 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Thanarpara** Police Station Case No. **112 of 2023** dated **05.06.2023** under Sections **323/326/307/34** of the IPC.

And

In the matter of: **Titan Biswas & Ors.**

....petitioners.

Mr. Manas Das
Mr. Tusar Sil

...for the petitioners.

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

...for the State.

1. Heard learned Advocate for the petitioners and learned Advocate for the State.
2. Learned Advocate for the petitioners prays for anticipatory bail of all the accused petitioners claiming parity with the accused persons already enlarged on anticipatory bail by a co-ordinate Bench on 04.08.2023 passed in CRM (A) 2843 of 2023.
3. From the materials as placed before this Court, we find that the involvement of the petitioner No. 1, Titan Biswas and petitioner No. 2, Mithun Biswas in the alleged crime are *prima facie* prominent and, therefore, we are not inclined to exercise of our discretion under Section 438 Cr.P.C. in favour of the petitioner No. 1, Titan Biswas and petitioner No. 2, Mithun Biswas.
4. So far as petitioner No. 3, Safikul Mondal is concerned, we find that in the statements of the witnesses the presence of the present petitioner No. 3 is found at the spot at the time of the alleged incident but so far as the extent of complicity of petitioner No. 3 is concerned that is omnibus in nature.
5. Regard being had to such facts and submissions, factum of

permanent residence of the petitioner No. 3, Safikul Mondal nature of allegation, nature of offence and substantial progress in investigation, it is directed that the petitioner No. 3, Safikul Mondal shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:

- i) The petitioner No. 3, Safikul Mondal is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.

6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today the petitioner No. 3, Safikul Mondal shall appear before the I.O. along with a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
8. So far as the petitioner No. 1, Titan Biswas and petitioner No. 2, Mithun Biswas are concerned their prayer for anticipatory bail is rejected.
9. Accordingly, the prayer for the anticipatory bail is partly allowed.
10. The application being **CRM (A) 3652 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

