

22.11.2023

SL. 48

Court No. 29

Sourav

(Partly

Allowed)

C.R.M. (A) 4464 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dhaniakhali** Police Station Case No. **60** of **2023** dated **02.03.2023** under Sections **302/34** IPC (corresponding to G.R. Case No. 559 of 2020 pending before the learned CJM, Hooghly).

And

In the matter of: **Santosh Kisku & Ors.**

....petitioners.

Mr. Suman Chakraborty

...for the petitioners.

Ms. Anasuya Sinha

Ms. Sayanti Santra

... for the State.

1. Heard learned Counsel for the parties.
2. It is fairly submitted by the learned Counsel for the State that though charge-sheet has been submitted against all the three petitioners including other co-accused persons, but the name of the present petitioner no. 3 (Mangal Soren @ Mangan @ Bhelo @ Jamai) is not transpiring from the statement of the witnesses.
3. It is, however, submitted that the alleged active role of the present petitioner nos. 1 and 2 in the alleged crime is, however, found prominent from the statement of the witnesses.
4. On perusal of the entire materials placed before us, we find sufficient justification in the submission of the learned Counsel for the State. Accordingly, we are not inclined to allow the prayer for anticipatory bail of petitioner no. 1 (Santosh Kisku) and petitioner no. 2 (Ananta Murmu). However, we are inclined to take a lenient approach in favour

of the petitioner no. 3 (Mangal Soren @ Mangan @ Bhelo @ Jamai)

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner no. 3, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner no. 3 shall surrender before the learned Chief Judicial Magistrate, Hooghly in G.R. Case No. 559 of 2020 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail, he shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that petitioners shall appear before the learned Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C. with a further condition, the present petitioner no. 3 shall not leave the territorial jurisdiction of the learned trial Court without obtaining prior permission of the learned trial Court during investigation.
6. Accordingly, the prayer for anticipatory bail is partly allowed.
7. The application being **CRM (A) 4464 of 2023** is disposed of.
8. Learned Chief Judicial Magistrate, Hooghly is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

