

19.12.2023
ML. 93
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4790 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Mohanpur** Police Station Case No. **355 of 2022** under Sections **302/448/34** of the IPC corresponding to G.R. case No. **1195 of 2022**.

And

In the matter of: **Basudeb Pal & Anr.**

....petitioners.

Mr. Debasish Kundu

...for the petitioners.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

...for the State.

1. Heard learned Counsel for both the parties.
2. The present petitioners are stated to be similarly circumstanced with Sudhangshu Payra, co-accused released on anticipatory bail vide order dated 12.09.2023 passed in CRM (A) 3630 of 2023.
3. On perusal of the Case Diary and the statement of the witnesses we find that the submission of learned Counsel for the petitioners has substance and in fact the present petitioners are similarly circumstanced with the co-accused, Sudhangshu Payra.
4. Learned Counsel for the State, however, submits that there is threat perception from the present petitioners and to that effect FIR has already been lodged.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their 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 petitioners are directed to appear before the I.O. twice in a week on the day and time fixed by the I.O. for the purpose of investigation and they shall continue to appear before the I.O. once in a week till commencement of trial. On proper petition being filed in the trial court, if the trial court finds that the aforesaid condition is no more necessary and there is no threat perception to the prosecution party, the condition may be waived or modified as the case may be.
- ii) The petitioners after commencement of trial should appear before the trial court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.

6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today each of the petitioner 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. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 4790 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Ajay Kumar Gupta, J.)

