

04.04.2024
Item No.60
AD/SD
Court No.28
(Partly Allowed)

C.R.M. (A) No. 1135 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beldanga** Police Station Case No. **885 of 2023** dated **28.11.2023** under Sections **341/326/307/354/406/379/302/34** of the Indian Penal Code, 1860 presently pending before the Court of the Learned Judicial Magistrate, Berhampore, Murshidabad. (G.R. Case No.5621 of 2023)

And

In Re : Animesh Ghosh & Ors.

..... petitioners

Mr. Mrityunjoy Chatterjee

Mr. Debapriya Majumder

Mr. Arindam Poali

.....for the petitioners

Ms. Anasuya Sinha, Ld. APP

Ms. Rajnandini Das

....for the State

1. Petitioners submit that they are the family members of the principal accused. They did not participate in the assault of the victim. They pray for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Victim was an agent of a finance company. He had gone to the residence of the petitioners to recover a loan. He was assaulted by one Nibesh Ghosh, the husband of petitioner no.3, who had taken loan.
4. Petitioner no.1 had instigated Nibesh to assault the victim. Hence, we are not inclined to grant anticipatory bail to the petitioner no.1, **Animesh Ghosh**.
5. Accordingly, the prayer for anticipatory bail of petitioner no.1 is rejected.

6. Petitioner no.2 is the mother of the petitioner no.1, Animesh Ghosh. Though, she was present at the place of occurrence and had merely asked the victim to go away. There is no allegation that she participated in the assault. There is also no allegation that petitioner no.3 assaulted the victim. Hence, we are inclined to grant anticipatory bail to them.
7. Accordingly, we direct that in the event of arrest petitioner no.2 (**Lila Ghosh @ Lilarani Ghosh**) and petitioner no.3 (**Susmita Ghosh**) shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that petitioner nos.2 and 3 shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
8. The prayer for anticipatory bail of petitioner nos.2 and 3 is allowed.
9. **C.R.M. (A) No. 1135 of 2024** is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)