

D/L. 33.
13.06.2024.
MNS/MB

CRM (DB) 1566 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.05.2024 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.

And

In the matter of: Anat Ghosh @ Ananta Ghosh

.... Petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Manas Das,
Ms. Debaspriya Majumder

... for the petitioner.

Mr. Partha Pratim Das,
Mr. Aritra Bhattacharya

... for the State.

The petitioner is one of several accused persons. The charge is of causing grievous bodily hurt and murder. The petitioner says that he is in custody for 195 days. A co-accused person, namely, Jhulan Ghosh was enlarged on bail by a co-ordinate Bench by an order dated April 9, 2024 passed in CRM (DB) 1054 of 2024. He further says that he is standing on the same footing as Jhulan Ghosh.

Learned Advocate for the State says that although the petitioner is not the principal accused, yet, he did have some role to play in the alleged incident. There is sufficient incriminating evidence against him. His prayer for bail should be rejected.

We have gone through the materials in the case diary including the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. We *prima facie* do not find any major involvement of the petitioner in the alleged incident. He has been in

custody for 195 days and he is a senior citizen. Hence, we are inclined to allow the prayer for bail of the petitioner.

Accordingly, we direct that the petitioner, namely, Anat Ghosh @ Ananta Ghosh, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Murshidabad at Berhampur, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

CRM (DB) 1566 of 2024 is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)