

10.06.2024
Court No.29
Item No. 4

Partly Allowed

sg

CRM (A) 1838 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 453 of 2024 dated 15.04.2024 under Sections 341/325/326/307/506/34 of the Indian Penal Code.

And

In Re: **Tilak Bhowmick & Anr.**

Petitioners

Mr. Susnigdho Bhattacharyya

For the Petitioners

Mr. Atis Kumar Biswas
Mrs. Jyoti Agarwal
Ms. Piyo Mondal

For the de-facto complainant

Mr. Iqbal Kabir
Miss. Kanchan Roy

For the State

1. The learned Counsel for the petitioners has submitted that the petitioners are innocent and they been falsely implicated in the instant case and the other co-accused persons have been granted anticipatory bail by the Sessions Judge, Nadia in Criminal Misc. Case No. 1066 of 2024. It is submitted that the petitioners are similarly placed as that of the other co-accused persons and the prayer for anticipatory bail is made on parity of reason.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the case dairy and in particular the injury report and submitted that the petitioners are not similarly placed as that of Sabitri Sarkar who was granted anticipatory bail by the learned Session Judge.

3. The learned Counsel for the de-facto complainant in opposing the prayer for anticipatory bail has referred to the injury report.
4. Considering the materials available in the case diary, the nature of involvement of the petitioner, the nature of injury and the complicity of the petitioners in the commission of alleged offence, we are of the view that the petitioner no.2 stands on the same footing as Sabitri Sarkar and we allow the prayer for anticipatory bail of the petitioner no.2.
5. Accordingly, we direct that in the event of arrest the petitioner no.2, namely, **Anima Bhowmick**, 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure to the satisfaction of arresting officer. The petitioner no.2 shall cooperate with the investigation and shall appear before the Trial Court within two weeks from date.
6. Accordingly, the prayer for anticipatory bail of the petitioner no.2 is allowed and the application for anticipatory bail of the petitioner no.1 is rejected.
7. CRM (A) 1838 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)