

21.06.2024

Court No.29

Item No. 16

**Partly
Allowed**

ar

CRM (A) 2051 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 188 of 2024 dated 25.02.2024 corresponding to G.R.S Case No. 590 of 2024 under Sections 498A/354/307/34 of the Indian Penal Code.

And

In Re: **Kartik @ Kartick Sarkar & Anr.**

Petitioners

Mr. Amanul Islam

Mr. Sourav Mukherjee

For the Petitioners

Ms. Sreyashee Biswas

Ms. Poulami Biswas

For the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the instant case.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim recorded under Section 161 Cr.P.C and submits that the petitioner no. 1, Kartik @ Kartick Sarkar and the petitioner no. 2, Gobinda Sarkar have been directly implicated by the victim in the instant case. It is, however, submitted that one Gauranga Sarkar has been granted anticipatory bail by the learned Trial Court. It is further submitted that charge-sheet has been filed under Sections 498A/325/34 of the Indian Penal Code.
3. It appears that Gauranga Sarkar and Gobinda Sarkar are standing on the same footing and in view of the fact that Gauranga Sarkar was granted anticipatory bail by the learned Trial Court, however, we do not find any

reason as to why the application for anticipatory bail of the petitioner no. 2, Gobinda Sarkar, should not be granted.

4. Considering the materials available in the case diary and the nature and complicity of the petitioner no. 2 in the commission of alleged offence, we are of the view that custodial interrogation of the petitioner no. 2, is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner no. 2, **Gobinda Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner no. 2 shall appear before the learned Chief Judicial Magistrate, Nadia at Krishnagar in G.R. Case No. 590 of 2024 within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner no. 2, **Gobinda Sarkar** is allowed and the same is thus disposed of.
7. However, having regard to the materials in the case diary, the application for anticipatory bail of the petitioner no. 1, **Kartik @ kartick Sarkar** stands rejected.
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)

