

05.02.2024

Item No.33

Ct. No. 29

CHC

Allowed

C.R.M.(A) 4096 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kharagpur (Town)** Police Station Case No. **128/2023** dated **04.03.2023** under Sections **384/506/34** of the Indian Penal Code, 1860.

And

In the matter of : Basava Santosh Kumar & anr.

..... petitioners

Mr. Soumyajit Das Mahapatra,

Ms. Madhurai Sinha

....for the petitioners

Mr. Soumik Ganguli

....for the State

This application is taken up for consideration subsequent to the order dated January 18, 2024.

Apparently, apart from present police case, there are two other police cases pending as against the petitioner no.2. One of such police involve N.D.P.S. Act, 1985 albeit intermediate quantity of narcotic where the petitioner no.1 is on bail.

No criminal antecedent appears in respect of the petitioner no.2.

Petitioners were protected by an interim order dated October 11, 2023 by the coordinate Bench.

Apparently, the petitioners complied with the condition of the interim protection.

In such circumstances we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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 further condition that the petitioners will report before the Investigating Officer once in a fortnight till the conclusion of investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4096 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)