

01.02.2024
Item No.56
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5311 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti** Police Station Case No.**477** of **2023** dated **14.08.2023** under Sections **302/120B/506/34** of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act.

And

In the matter of : **Goutam Ghosh & Anr.**

.....Petitioners.

Mr. Milon Mukherjee, Sr. Adv.
Mr. U.A Dewan
Mr. Asif Dewan

....for the Petitioners.

Mr. Pravas Bhattacharya
Mr. Nirupam Dhali

....for the State.

Petitioners pray for anticipatory bail.

Learned Senior advocate appearing for the petitioners submits that the petitioners stand on the same footing as that of the co-accused, who was granted anticipatory bail on November 20, 2023 passed in C.R.M. (A) 4347 of 2023.

Learned advocate appearing for the State submits that, there is a telephonic conversation between the petitioners and the principal accused.

Issue of complicity of the petitioners in the incident may be decided at the trial. Coordinate bench granted anticipatory bail by the order dated November 20, 2023 passed in C.R.M. (A) 4347 of 2023 to the co-accused on the ground that there was

no material to implicate such co-accused in the alleged crime so as to attract the provisions of section 120B of the Indian Penal Code, 1860 thereof.

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 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.

C.R.M.(A) 5311 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)