

07.02.2024

Serial no. 29

Anticipatory Bail

[Allowed]

Dd

CRM (A) 5534 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Jhargram** Police Station Case No. **159** of **2023** dated **24.06.2023** under Sections **302/34** of the Indian Penal Code, 1860.
(G.R. Case No. 584/2023)*

-And-

In the matter of : **Abhijit Mahata & Ors.**

... .. **Petitioners**

Mr. Soumajit Das Mahapatra,

Ms. Madhurai Sinha, Advocates

... .. For the Petitioners

Mr. Debasish Roy, PP

Mr. Rudradipta Nandy, APP

... ..For the State

Co-accused was granted bail by the co-ordinate Bench on October 6, 2023 passed in CRM (DB) 3854 of 2023 after returning a finding that no witnesses saw such co-accused to be involved in the public lynching of a thief. Witnesses claimed to hear the involvement of such co-accused as an part of the mob.

Police filed charge sheet.

Police complaint and the materials in the case diary suggest that the statements of the persons are based on hearsay evidence.

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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 5534 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)