

04.09.2020

Item No.38

Dc/Aj.

Allowed

C.R.M. 5440 of 2020
C.R.A.N. 1 of 2020 (Old No. C.R.A.N. 3761 of 2020)
(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 460/2020 dated 19.05.2020 under Sections 341/324/326/307/506/34 of the Indian Penal Code.

And

In the matter of : Amar Biswas & Anr. ... Petitioners.

Mr. Somnath Adhikary. ... For the Petitioners.

Ms. Sonali Das. ... For the State.

Petitioners undertake to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The learned advocate for the petitioners submits that there is a case and counter case between the parties and the present petitioners have been falsely implicated in connection with the instant case.

The learned advocate for the State produces the memorandum of evidence along with the injury report.

We have perused the injury report wherein the endorsement of the doctor reflects that the same are simple and moderate in nature.

Considering the nature of the case, we are of the opinion that the custodial detention of the petitioners may not be warranted in the facts and circumstances of the instant case. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest, the petitioners shall be released upon furnishing 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 on condition that the petitioners shall meet the Investigating Officer once a week.

The aforesaid order of anticipatory bail shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

CRM 5440 of 2020 and CRAN 3761 of 2020 are disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Tirthankar Ghosh, J.)

(Samapti Chatterjee, J.)