

04.09.2020

Item No.43

Dc/Aj.

Allowed

C.R.M. 5748 of 2020
C.R.A.N. 1 of 2020 (Old No. C.R.A.N. 4139 of 2020)
(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 163/2020 dated 23.03.2020 under Sections 448/325/326/354/307/34 of the Indian Penal Code (G.R. Case No. 1012/2020).

And

In the matter of : Shankar Singha & Ors. ... Petitioners.

Mr. Tapodip Gupta. ... For the Petitioners.

Ms. Faria Hossain,
Mr. Pratick Bose. ... 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 the petitioners are innocent of the charges and they have been falsely implicated in this case. The learned advocate further submits that as charge-sheet has been submitted, custodial detention of the petitioners may not be required.

The learned advocate for the State vehemently opposes the prayer advanced on behalf of the petitioners and draws the attention of this Court to the injury reports as well as the statements of the injured persons.

We have perused the injury reports as well as the statements. We find the doctor has opined the injuries are simple in nature. Having considered the same, we are of the opinion that as charge-sheet has been submitted, custodial detention of the petitioners may not be required for the purpose of the 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.

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 5748 of 2020 and CRAN 4139 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.)