

C.R.M. 7145 of 2020
I.A. No. CRAN 1 of 2020

(Via Video Conference)

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Pukhuria P.S. Case No. 139 of 2020 dated 24.04.2020 under Sections 448/323/325/326/307/354/34 of the Indian Penal Code.

And

In the matter of: Sk. Anikul @ Bhoddu @ Bhodu

...Petitioner

Mr. Arup Sarkar

... for the petitioner

Mr. Narayan Prasad Agarwala

Mr. Md. Kutubuddin

... for the State

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

CRAN 1 of 2020 is accordingly, disposed of.

The learned counsel for the petitioner submits that there is a family dispute between the two brothers of the same family. The complainant is the aunt of the present petitioner who had lodged the complaint against the three family members of the petitioner. It is submitted that false complaint has been lodged by the aunt.

Learned counsel for the State however opposes the prayer for anticipatory bail.

It is submitted that the petitioner had inflicted grievous hurt on the victim and petitioner should not be granted anticipatory bail. The learned counsel however fairly submitted that two co-accused similarly placed that of the petitioner have been granted regular bail by the trial Court.

Considering the fact that charge-sheet had already been filed and the two co-accused similarly placed as that of the petitioner have been granted bail, we are of the opinion that custodial interrogation of the petitioner may not be necessary.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount, to the satisfaction of the arresting and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, accordingly, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)

