

C.R.M. 7231 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 on 18.09.2020 in connection with Uttarpura P.S. Case No. 186 of 2020 dated 06.07.2020 under Sections 420/384/323/34 of the Indian Penal Code.

And

In the matter of: Mr. Subodh Bhagat & Anr.

...Petitioners

Mr. Arunava Ganguly

... for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... 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 petitioners submits that the petitioners are totally innocent and they have no connection with the alleged occurrence of the present case and they have been falsely implicated.

Learned counsel for the State however opposes the prayer for anticipatory bail. Learned counsel for the State has however fairly submitted that the provisions of Section 41A has been complied with by the present petitioners. The FIR was lodged pursuant to a proceeding initiated under Section 156(3) of the Criminal Procedure Code.

Considering the nature of the dispute between the parties and the materials available against the petitioners as are available from the

case diary, we feel that the custodial interrogation of the petitioners may not be necessary.

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 and on condition that petitioner no. 1 shall meet the investigating officer once in a week until further orders 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.)

