

24.11.2020

Item No.40

Ct.No.11

dc.

Allowed

C.R.M. 7682 of 2020

(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal P.S. Case No. 257/2020 dated 02.03.2020 under Sections 448/323/325/326/354/307/379/34 of the Indian Penal Code.

And

In the matter of : Azad Ali & Ors. ... Petitioners.

Mr. Sagar Saha ... For the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan ... For the State.

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

The learned advocate for the petitioners submits that the petitioners have been implicated in the instant case because of previous rivalry arising out of land dispute. The learned advocate further submits that the custodial detention of the petitioners may not be warranted in the background of the facts of the present case.

The learned advocate for the State draws the attention of this Court to the injury report which is present in the case diary.

We have taken into account the materials appearing in the case diary as also the injury report and on appreciation of the same, we are of the opinion that the custodial detention of the petitioners may not be warranted in the facts and circumstances of the case. As such, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail 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 they shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 7682 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)