

18.11.2020
SL No.14
Court No.12
s.biswas
(Allowed)

CRM 7702 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Swarupnagar** P.S. Case No.**301/2020** dated **18.06.2020** under Sections 448/325/307/34 of the Indian Penal Code.

And

In the matter of: **Kayes Ali Dhali & Ors.**

....Petitioners

Mr. Kallol Kumar Basu
Mr. Jannat Ul Firdous

...for the Petitioners

Ms. Sukanya Bhattacharya
Mr. Md. Kutubuddin

...for the State

The petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned counsel appearing for the petitioners submits that due to enmity an altercation took place between the petitioners and their neighbours in which the petitioner no.1 has suffered grievous hurt. It is submitted that this complaint is a counter-blast to the complaint made by the petitioners against the complainants.

Learned counsel appearing for the State opposes the prayer for anticipatory bail of the petitioners. It is submitted that the statement of the independent witness recorded under Section 161 of the Cr.P.C. as well as injury report showing that the petitioners are involved in physically assaulting the

complainants and the complainants had suffered grievous hurt.

Considering the materials on record and the nature and extent of complicity of the petitioners in the commission of alleged offence, we are of the view that custodial interrogation of the petitioner no.1, who appears to have sustained severe injury, may not be necessary.

Accordingly, we grant anticipatory bail to the petitioner no.1 only and the prayer for anticipatory bail of the petitioner nos.2, 3 and 4 is rejected.

In the event of arrest, the petitioner no.1 shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties one of whom must be local to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Cr.P.C. It is directed that the petitioner no.1 must cooperate with the Investigating Officer.

Accordingly, the application for anticipatory bail being CRM 7702 of 2020 is partly allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)