

19.10.2020

Item No.26

Ct.No.11

dc.

Allowed

C.R.M. 7721 of 2020

(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Labpur P.S. Case No. 112/2020 dated 30.08.2020 under Sections 341/326/307/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act and Sections 3/4 of the Explosive Substance Act (corresponding to G.R. Case No. 638/2020).

And

In the matter of : Hafizul Sk. @ Hafizul Sekh & Ors.
... Petitioners.

Mr. Sanjib Kumar Dan,
Mr. Saryati Datta ... For the Petitioners.

Mr. Saibal Bapuli,
Ms. Sayanti Santra ... For the State.

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.

It is submitted by the learned advocate appearing for the petitioners that the petitioners are innocent and they have been falsely implicated in the present case. Therefore, the application for anticipatory bail should be allowed.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and produces the case diary.

After considering the case diary along with the injury report, we find doctor opined that injuries are simple in nature. In view of the aforesaid, we are of the opinion that

custodial interrogation of the petitioners is not necessary. Hence, we are inclined to grant anticipatory bail to the petitioners.

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 7721 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.

(Aniruddha Roy, J.)

(Samapti Chatterjee, J.)