

CRM 7762 of 2020

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 30.09.2020 in connection with Farakka Police Station Case No. 85 of 2020 dated 15.03.2020 under Sections 341/324/325/326/307/34 of the Indian Penal Code.

Sujan Pal & Anr.
Vs.
The State of W. B.

Mr. Sandip Chakraborty
.....For the Petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta
.....For the State

The petitioners undertake to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through videoconference on the basis of such undertaking.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case. Learned counsel further submits that out of six persons, three persons have been granted anticipatory bail.

The learned counsel for the State opposes the prayer for anticipatory bail. It is submitted that the petitioners were present at the time of the commission of alleged offence.

Having considered the materials on record and the omnibus nature of the complaint as well as the nature of injury sustained by the victim and her husband, we feel that custodial interrogation of the petitioners may not be necessary.

Under such circumstances the anticipatory bail is

allowed.

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, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall not leave the jurisdiction of Farakka Police Station without the permission of the I. O. or the jurisdictional court.

The application for anticipatory bail is, thus, allowed.

In the event he fails to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

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

(Aniruddha Roy, J.)

(Soumen Sen, J.)