

CRM 7766 of 2020

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Pursurah Police Station Case No. 109 of 2020 dated 20.06.2020 under Sections 341/325/326/307/354(B)/506/34 of the Indian Penal Code.

Subhas Bag & Anr.

Vs.

The State of W. B.

Ms. Srimoyee Mukherjee

.....For the Petitioners

Mr. S. S. Imam

Mr. Subrato Roy

.....For the State

The petitioner undertakes 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 petitioner submits that the petitioner has been falsely implicated in the instant case. Learned counsel further submits that two co-accused persons namely Palash Poreland and Sujit Mondal have been granted regular bail by the learned trial court.

The learned counsel for the State opposes the prayer for anticipatory bail.

Having considered the statements of the injured persons and the nature of the injury sustained by him as it appears from the injury reports at page 28 and 42 of the case diary, we are inclined to grant the anticipatory bail to the petitioner no.2 and the anticipatory bail to the petitioner no.1 is rejected.

Under such circumstances the anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner no.2 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only), 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 petitioner no. 2 shall not leave the jurisdiction of Pursurah Police Station without the permission of the I. O. or the jurisdictional court.

The charge sheet has been filed. The trial court is directed to conclude the trial as expeditiously as possible preferably within one year without granting any unnecessary adjournment to either of the parties.

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.)