

20.10.2020

CRM 7976 of 2020

Court No. 8
Item No. 26
abhar/bdutta

(Via Video Conference)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Pukhuria Police Station Case No. 149 of 2020 dated 06.05.2020 under Sections 447/323/325/326/307/379/34 of the Indian Penal Code.

and

In the matter of: **Sariful @ Md. Sarikul & Ors.**

..... Petitioners

Mr. Mounick Ghosh.

.....for the Petitioners

Mr. N. P. Agarwala

Ms. Subhasree Patel.

..... for the State

The learned advocate for the petitioners undertakes 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.

The learned advocate appearing for the petitioners submits that there is case and counter case against the petitioners and the complainant over the land dispute. The learned advocate for the petitioners further submits that although the petitioners have suffered grievous injury, yet they apprehend arrest in connection with the instant case.

The learned advocate appearing for the State opposes the prayer for anticipatory bail. The learned advocate for the State submits that there was grievous injury inflicted on the victim and, therefore, the custodial detention of the petitioners is necessary.

After hearing the respective submissions and on perusal of the medical report annexed thereto, we do not find that it is a fit case where the custodial detention of the petitioners is necessary. Accordingly, the prayer for anticipatory bail is allowed.

Therefore, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, 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 Code of Criminal Procedure, 1973 and with further conditions that they shall meet the Investigating Officer once in a week and shall not leave the jurisdiction of the police station where the case has been registered without the prior leave of the Court.

The application being **CRM 7976 of 2020** is **allowed**.

(Ravi Krishan Kapur, J.)

(Harish Tandon, J.)