

20.10.2020.
Item No. 30
(Allowed)

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C.R.M. 7980 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Tehatta Police Station Case No. 430 of 2020 dated 03.10.2020 under Sections 448/323/325/354/307/34 of the Indian Penal Code;

And

In the matter of : **Animesh Karmakar and others.**

... petitioners.

Mr. Amanul Islam.

...For the petitioners.

Mr. Narayan Prosad Agarwala,
Ms. Subhasree Patel.

...For the State.

The learned Advocate-on-Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency, the application is taken up for hearing through Video Conference.

The learned Advocate for the petitioners submits that the instant case has been launched in counter blast to a case initiated by the petitioners against the complainant over the land dispute. It is submitted that though there was a scuffle between the warring group but no grievous injury was inflicted on anybody.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that two persons were injured and the case was registered against the petitioners under the aforesaid provisions. However, he showed his inability to apprise the Court whether any counter case was registered by the present petitioners.

After hearing the respective Counsels and upon perusal of the case diary including the medical report, we do not feel that it is such a case where the custodial interrogation of the petitioners is necessary.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with further conditions that the petitioners shall appear before the investigating officer once in a week and shall not leave the concerned police station without prior permission of the Court below.

This application for anticipatory bail is, thus, **allowed**.

(Ravi Krishan Kapur, J.)

(Harish Tandon, J.)