

20.10.2020

CRM 8036 of 2020

Court No. 08
Item No. 42
snandy

(Anti-Bail - Allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 06.10.2020 in connection with **Paikar** Police Station Case No. 115 of 2020 dated 12.05.2020 under Sections 448/341/323/325/326/307/354/506/34 of the Indian Penal Code. (G.R. Case No. 469 of 2020)

and

In the matter of: **Paira Bewa @ Payra Bibi & Anr.**

..... Petitioners

Mr. Jahangir Hossain, Advocate

.....for the Petitioners

Mr. Saswata Gopal Mukherjee, Ld. Public Prosecutor

Mr. Partha Pratim Roy, Advocate

Ms. Manisha Sharma, Advocate

..... for the State

Petitioners undertake to affirm and stamp the petition/ application as per Rules within one month of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing.

The learned Advocate for the petitioners submits that the instant case has been lodged as a counter-blast to the case registered on the complaint of the present petitioners. It is further submitted that no such incident happened on the alleged date though the petitioners were assaulted on a prior date thereto by the de facto complainant.

Learned Advocate of the State opposes the prayer for bail. It is submitted that grievous injury was inflicted on the complainant which would be evident from the medical report annexed to the case diary.

After considering the respective submissions and the materials available in the case diary including the medical report and the statement of the persons recorded under Section 161 of the Code of Criminal Procedure, we feel that no custodial interrogation of the petitioners is necessary.

Therefore, we are inclined to extend the privilege of the anticipatory bail under Section 438 of the Code of Criminal Procedure to the petitioners.

Accordingly, 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 only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that they will meet the Investigating Officer once in a week.

In the event, the petitioners fail to comply with the conditions as envisaged in this order, it is open to the trial Court to cancel the anticipatory bail without making any reference to this Court.

The application being **CRM 8036 of 2020** accordingly **disposed of**.

(Ravi Krishan Kapur, J.)

(Harish Tandon, J.)