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20-10-2020

Court 12

Allowed

C.R.M. 8156 of 2020

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No. 144 of 2020 dated 08.05.2020 under Sections 341/325/326/304 of the Indian Penal Code.

Khurshid Alam
Versus
State of West Bengal

Md. Sabir Ahmed, Adv.
Mr. Apan Saha, Adv.
Mr. Mujibar Ali Naskar, Adv.
Mr. S. Sarkar, Adv.

...for the petitioner.

Mr. Sourav Ganguly, Adv.
Mr. Nilay Chakraborty, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated. It is further submitted that two accused persons have been granted anticipatory bail by a coordinate Bench on 21st September, 2020. The petitioner stands on a better footing.

Learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the victim had suffered serious injuries and there are statements of witnesses which implicate the petitioner.

We have considered the materials on record. The incident occurred as a counter-blast to the brutal act of murder by the deceased. There is no material to show that the alleged assault on the deceased was pre-planned one or there was intention to commit murder or the petitioner has participated in the murder.

In view of the aforesaid facts, we are of the opinion that custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting office and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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.

The application for anticipatory bail is, thus, allowed.

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

(Aniruddha Roy, J.)

(Soumen Sen, J.)