

25.11.2020

Item No. 39

k.b./b.r.

Crt.11

Rejected

C.R.M. 8706 of 2020

(via video conferencing)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hogalberia P.S. Case No. 145 of 2020 dated 10.10.2020 under Sections 341/323/326/506/34 of the Indian Penal Code.

And

In Re : Mithun Sharma & Anr. petitioners

Mr. Asraf Mondalfor the petitioners.

Mr. N.P. Argarwala

Ms. Subhasree Patel

....for the State

Petitioner 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 conferencing.

Learned advocate for the petitioners submits that the instant case was instituted as a counter blast to the case in connection with Hogalberia P.S. Case No. 145 of 2020 dated 10.10.2020 while it was initiated at the instance of the petitioners.

Learned advocate for the petitioners further submits that present case is the outcome of a dispute regarding a pathway and there was no intention or the ulterior motive on the part of the present petitioners.

Learned advocate for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the injury report. We have perused the injury report and we find that

the victim/injured sustained injuries to such an extent that five stitches had to be administered to her.

Having regard to the facts of the case, we are not inclined to allow the prayer for anticipatory bail and as such the prayer for anticipatory bail is rejected.

However, in case the petitioner surrenders before the learned Magistrate, learned Magistrate would independently consider their applications for bail without being influenced by any observations made in this order.

With the aforesaid observations, CRM 8706 of 2020 stands disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)