

02.12 . 2020

AN/Suman
Sl.29

CRM 9667 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Krishnagar Kotwali Police Station Case No. 545 of 2020 dated 31.07.2020 under Sections 325/308 of the Indian Penal Code 1860 read.

In the matter of : Achinta Biswaspetitioners

Mr. Prabir Majumdar
..for the petitioners.

Mr. N. P. Agarwala
Ms. Subhasree Patel
..for the State.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is a tea stall owner. One Sanjay Hazra, the complainant asked the petitioner to serve a cup of tea which the petitioner refused.

Since during the lockdown, after 7.00 pm, the tea shop should be closed. Immediately, thereafter, the petitioner was beaten by Sanjay Hazra. As a result thereof, the petitioner was admitted to Shaktinagar District Hospital. Unfortunately, on the next day, the brother of the said Sanjay Hazra lodged a complaint since Sanjay Hazra also sustained injury and he was admitted to the said Shaktinagar District

Hospital for 4 days for treatment.

The learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and produces the case diary and draws attention to the injury report of the said Sanjay Hazra.

Considering the submissions as advanced by the learned advocates for the parties and after perusing the case diary and also the injury report, in our considered view, the petitioner should be granted anticipatory bail.

Accordingly, we allow the application for anticipatory bail.

In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, to the satisfaction of the arresting officer of the case.

The aforesaid order shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being C.R.M. 9667 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Kausik Chanda, J.)

