

04.12.2020

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Sws M

Ct. No.11

CRM 9767 of 2020

(Via Video Conference)

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hemnagar Coastal Police Station Case No. 60 of 2020 dated 14.10.2020 under Sections 447/448/325/326/308/354/506/34/304 of the IPC.

And

In the matter of : **Nagendranath Baidya**

..... Petitioner

Mr. Kallol Kumar Basu
Mr. Debaoriya Samanta
Md. Jannat ul Firdous

.... for the Petitioner

Mr. Partha Pratim Das
Ms. Purnima Ghosh

... for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Liberty is granted to the petitioner to amend the cause-title.

Learned Advocate for the petitioner submits that the petitioner along with others have been implicated falsely out of grudge and almost after six days of the incident the victim collapsed.

Mr. Das, learned Advocate for the State opposes the prayer and submits that in course of settlement dispute arose and the allegations in the FIR are to the extent that the petitioner along with

others entered the house of the victim and assaulted him with a wooden stick that subsequently the victim collapsed. Learned Advocate for the State produces the case diary for perusal of this Court.

We have perused the case diary and we find that although the name of the petitioner has been recorded in the FIR but the petitioner's name consistently do not appear in the statement of witnesses, as such his presence is yet to be established by the investigating agency.

Having regard to the facts, we are of the opinion that the petitioner may be extended the privilege of anticipatory bail, as such the prayer for anticipatory bail of the petitioner is **Allowed**.

In the event of arrest, the petitioner shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (rupees ten thousand only), with two sureties of Rs.5000/- (rupees five thousand) each, one of whom must be local to the satisfaction of the arresting officer or the investigating officer of the case and on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses. The petitioner is directed to meet with the investigating officer of the case once a week on and from 08.01.2020 till further orders.

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

With these observations, CRM 9767 of 2020 is disposed of.

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

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

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)

