

10.12.2020
tkm/ct 28
sl no. 68

**C.R.M. 10148 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tehatta P.S case no. 431 of 2020 dated 3.10.2020 under sections 341/325/307/379/34 of the Indian Penal Code

And

Allowed

In Re : Mohan Halder & Ors. petitioners

Mr. Amanul Islam

..... for the petitioners

Mr. N P Agarwal

Mr. G Wilson

..... for the State

It is submitted on behalf of the petitioners that the incident occurred between the persons over catching fish.

Learned lawyer for the State opposes prayer for anticipatory bail.

Allegation of physical assault may be assessed in the light of the aforesaid submission that the same was not a pre-meditated one. Although the victim was hospitalized, we note that the injury did not cause any damage in the internal organs of the victim. Whether such injury was grievous or not may be assessed at the appropriate stage of the proceeding.

However, in the facts and circumstances of the case, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of

Criminal Procedure, 1973 and on further condition that the petitioners while on bail shall meet investigating officer once in a week until further orders.

The application being CRM 10148 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)