

31.12.2020  
Item no. 11  
Ct.8  
KAUSHIK/CHC  
**Allowed**

**C.R.M. No.11292 of 2020**

**(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Uttarpara Police Station Case No.430 of 2020 dated November 20, 2020 under Sections 147/ 323/ 504/ 506/ 427/ 379/ 354B/ 326/ 307/34 of the Indian Penal Code, 1860.

And

In the matter of:-

Samaresh Gharami @ Samaresh Biswas & ors.

... Petitioners

Mr. Arijit Ghosh

.. for the petitioners

Mr. Bidyut Kr. Ray,  
Mr. Rana Mukherjee,  
Ms. Rita Dutta

..for the State

Learned counsel for the petitioners submits that the petitioner no.3 holds a disability certificate and was incapable of perpetrating the offence alleged. That apart, the petitioner no.2, it is submitted, is the father of the complainant and is of advanced years. As such, it is not credible that the said petitioner also participated in the alleged offence.

The other petitioners, it is submitted, are the family members of the complainant.

Learned counsel appearing for the State hands over the Case Diary. It is evident from the injury report that the same alleges lower backache due to physical assault. A composite reading of

the materials available and the nature of the offence alleged, coupled with the fact that the stand of the State is that the matter pertains to a landlord-tenant dispute, it would be appropriate if the petitioners are granted anticipatory bail on the conditions as stipulated in this order. Accordingly, C.R.M.11292 of 2020 is allowed, granting anticipatory bail to the petitioners, subject to the following conditions:

- i) The petitioners shall make themselves available for interrogation by any police officer in connection with the offences in question;
- ii) The petitioners shall not make any inducement, promise or threat to any person being acquainted with the facts relating to the alleged offences in order to prevent such person from disclosing such facts before the concerned police officer and/or the Court;
- iii) The petitioners shall not leave the jurisdiction of the concerned Police Station i.e. Uttarpara Police Station without leave of a competent Court.

In the event of arrest, the petitioners shall be released on bail on furnishing a bond of Rs.5,000/- (Rupees Five Thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer.

In addition, the petitioners shall attend the trial on all the dates fixed. In default on the part of the petitioners to comply with any of the above conditions, the trial court shall be at liberty to

direct arrest of the petitioners without further reference to this Court.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

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**(Sabyasachi Bhattacharyya, J.)**

**(Saugata Bhattacharyya, J.)**