

02.01.2020.
54.
as
(Partly
Allowed).

C.R.M. 12407 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.12.2019 in connection with Kotwali P. S. Case No.722 of 2019 dated 02.11.2019 under Sections 448/325/326/307/354/379/34 of the Indian Penal Code.

In the matter of : Sudhir Das & Ors.

... Petitioners.

Mr. Anirban Banerjee,
Ms. Jeenia Rudra.

...for the Petitioners.

Mr. S. S. Imam,
Mr. S. Kundu.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that there was a free fight between the parties and injuries were sustained by both the parties. It is also submitted that they lodged a counter case with regard to the same incident against the victim.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

Having considered the materials on record prima facie disclosing involvement of the petitioner Nos.1, 2, 3, 4, 7 and 8 in

the alleged offence, we are not inclined in granting anticipatory bail to them.

Accordingly, the prayer for anticipatory bail of the petitioner nos.1, 2, 3, 4, 7 and 8 is rejected.

However, keeping in mind the extent of complicity of the petitioner nos. 5 and 6 in the alleged crime, we are inclined in granting anticipatory bail to the petitioner Nos.5 and 6.

Accordingly, we direct that in the event of arrest the petitioner Nos. 5 and 6 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos. 5 and 6 shall appear before the trial court and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)