

14.01.21
(S.R.)
Sl.130
Ct.28

CRM No.138 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Tarakeshwar Police Station Case No.191 of 2020 dated 07.12.2020 under Sections 448/323/325/307/379/504/34 of the Indian Penal Code;

And

In re: Bharat Malik

... petitioner.

Mr. Rameshwar Sinha
Mr. Suman Chakraborty
Ms. Dipa Bhattacharya
Mr. Mostafijur Rahaman

... for the petitioner.

Mrs. Sukanya Bhattacharjee
Mr. Nirupam Dhali

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the criminal proceedings and there is a long standing dispute pertaining to user of a pathway among the parties. In view thereof, custodial detention of the petitioner is not warranted.

The learned advocate appearing for the State respondent opposes the petitioner's prayer.

Having heard the learned advocates and considering the materials in the case diary and the injury report, we are of the opinion that custodial detention of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner, namely, Bharat Malik, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, 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 a further condition that the petitioner shall meet the investigating officer once in a week on and from 21st January, 2021, until further orders.

