

10.02.2021

Item No.240

Ct.No.28

dc.

Allowed

C.R.M. 426 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Sk. Nurnihal @ Guddu Sk & Ors.**

... Petitioners.

Mr. Koustav Bagchi,
Mr. Arup Sarkar

... For the Petitioners.

Mr. S. S. Imam,
Ms. Sonali Bhar

... For the State.

Apprehending arrest in connection with Harishchandrapur P.S. Case No. 827 of 2020 dated 20.11.2020 under Sections 341/325/324/379/308/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in a dispute which occurred pertaining to a mobile phone. The petitioners were also injured and a complaint was also lodged pertaining to the selfsame incident. No overt act has been attributed to the petitioners and in view thereof, custodial detention of the petitioners is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the injury report and the statements of the witnesses.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial detention of the petitioners is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely 1. **Sk. Nurnihal @ Guddu Sk**, 2. **Minajul Islam @ Minajul Hoque** and 3. **Sairaj Sk. Md. Sairaj Islam @ Mahammad Sairaj Islam** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, 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 a further condition that the petitioners shall meet with the Investigating Officer once a week on and from 15th February, 2021 until further orders.

The application for anticipatory bail, being CRM 426 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)