

10.02.2021
Court No.28
Item No. 243
Krishnendu
ALLOWED

**C.R.M. 431 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Mairul Haque @ Sk. & Ors.**

Petitioners

Mr. Debapriya Samanta

For the Petitioners

Mr. S.S. Imam

Mr. Arabinda Manna

For the State

Apprehending arrest in connection with Lalgola Police Station Case No. 377 of 2020 dated 12.10.2020 under sections 341/323/325/326/307/379/34 of the Indian Penal Code, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated because of the previous rivalry and they are innocent of the charges. The learned advocate additionally submits that the investigation of the case has been concluded. As such, their detention in custody is unwarranted.

The learned advocate appearing for the State draws the attention of this Court to the injury report as well as the statements of the witnesses and the role, as has been described in the letter of complaint addressed to the Officer-in-Charge of Lalgola Police Station.

We have taken into account the nature of injury, the statements of the witnesses and the complicity of the present

petitioners. We find that the petitioners have a role in commission of the injury of the victim. However, having regard to the fact that the investigation of the case has been concluded, we are of the opinion that the petitioners may be enlarged on anticipatory bail. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Mairul Haque @ Sk., Murtuza Sk. Abdullah Sk. and Johar Sk.**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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 further condition that the petitioners shall not enter the jurisdiction of Lalgola Police Station, save and except meeting with the Officer-in-Charge of the Lalgola Police Station once in a week on and from 15th February, 2021 until further orders and the petitioners shall intimate their address where they would be residing to the Officer-in-Charge of the concerned Police Station. They shall also attend the trial Court on each and every dates specified. In case, the petitioners create any embargo on the proceedings of the learned Court below, the learned Trial Court would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail, being CRM No. 431 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.)