

07.04.2021

CRM 660 of 2021

Court No.28
Item No.59
(ALLOWED)

akd

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 15.01.2021 in connection with Itahar Police Station Case No. 397/2020, dated 18.11.2020 under Sections 447/323/325/324/379/307/34 of the Indian Penal Code.

And

In the matter of : **Hapna Murmu & Ors.**

...Petitioners

**Mr. Kaushik Choudhury,
Ms. Busra Khatoon.**

...For the Petitioners.

**Mr. S. G. Mukherjee, Ld. P.P.,
Mr. N. P. Agarwala,
Ms. S. Patel.**

...For the State.

Apprehending arrest in connection with Itahar Police Station Case No. 397/2020 under Sections 447/323/325/324/379/307/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

Mr. Kaushik Choudhury, learned Advocate appearing for the petitioners, submits that the petitioners are innocent of charges and they have been falsely implicated in the instant case out of villagers' rivalry.

Ms. S. Patel, learned Advocate, for the State opposes the prayer for anticipatory bail and draws attention of this Court to the statements recorded under Section 161 of the Code of Criminal Procedure as well as the medical report / injury report, which are available in the case diary.

We have perused the materials available in the case diary and prima facie we find that there is a disparity between the statement of the injured before the Doctor and the other statements recorded under Section 161 of the Code of Criminal Procedure.

Having regard to the same, we are of the opinion that the custodial interrogation of the petitioners may not be warranted in the instant case. Accordingly, the prayer for anticipatory bail is allowed.

In the event of arrest the petitioners 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 of the concerned police station with condition that the petitioners shall meet the Investigating Officer once a week on and from 12th April, 2021 until further order and with further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail, being CRM 660 of 2021, is thus **allowed**.

(Harish Tandon, J)

(Tirthankar Ghosh, J.)