

07.04.2021.

63.

as

(Allowed).

C.R.M. 667 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Khanakul P.S. Case No.339 of 2019 dated 24.11.2019 under Sections 341/324/325/307/379/504/506/34 of the Indian Penal Code.

In the matter of : Mr. Arup Bag & Anr.

... Petitioners.

Mr. Suvadip Bhattacharjee.

...for the Petitioners.

Mr. S. S. Imam,

Mr. Arabinda Manna.

.....for the State.

Apprehending arrest in connection with Khanakul P.S. Case No.339 of 2019 dated 24.11.2019 under Sections 341/324/325/307/379/504/506/34 of the Indian Penal Code, petitioners have filed the instant application for anticipatory bail.

At the inception, learned Advocate appearing for the petitioners submits that the petitioner no.2 has been arrested and as such, he do not intend to proceed with his application for anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner no.2 is dismissed as infructuous.

Learned Advocate further submits that the petitioner no.1 has been falsely implicated in the instant case out of rivalry and there are no overt acts which can be attributed to

him warranting his detention in connection with the instant case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and draws attention of this Court to the injury report.

We have perused the materials on record as well as the injury report and we find that the injury are in the nature of abrasion and lacerated injury.

Having regard to the facts of the case, we are of the opinion that custodial detention of the petitioner no.1 may not be warranted. As such, his prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner No.1 shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local subject to the satisfaction of the arresting officer. Apart from the aforesaid conditions, the further conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973 shall also apply.

This application for anticipatory bail is, thus, allowed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)

