

29.07.2021

(Via Video Conference)

Court No.28  
Item No.382  
(ALLOWED)

**CRM 1309 of 2021**

Ab/Saswata

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 29.01.2021 in connection with Balurghat Police Station Case No. 77 of 2020 dated 15.02.2020 under Sections 341/323/325/307/506/34 of the Indian Penal Code (G. R. Case No. 173 of 2020);

And

In the matter of : **Asha Biswas @ Das and others.**

**...Petitioners**

**Ms. Busra Khatoon.**

**...For the Petitioners**

**Mr. P. K. Dutta,  
Mr. Santanu Deb Roy.**

**... For the State**

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Balurghat Police Station Case No. 77 of 2020 under Sections 341/323/325/307/506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioners apprehending arrest in connection with the aforementioned case have prayed for anticipatory bail.

We have heard learned Advocate for the petitioners and the State. It is frankly submitted by the learned Advocate for the State that though the petitioners are implicated for committing offence under Section 307 of the Indian Penal Code but the injuries are simple in nature. We have also perused the case diary, especially the

medical report. There is no material to hold even prima facie that the accused persons committed offence under Section 307 of the Indian Penal Code. All other allegations are omnibus in nature.

Accordingly, we direct that 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 and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 1309 of 2021 is, thus, **allowed.**

**(Harish Tandon, J)**

**(Bibek Chaudhuri, J.)**