

29.07.2021

(Via Video Conference)

Court No.28
Item No.383
(ALLOWED)

CRM 1317 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 Patharpratima Police Station Case No. 135 of 2020 dated 14.10.2020 under Sections 147/148/323/325/326/427/506/354/34 of the Indian Penal Code;

And

In the matter of : **Indrajit Das.**

...Petitioner

Mr. Gobinda Chandra Baidya

...For the Petitioner

Ms. Zareen N. Khan

Mr. Bitosok Banerjee

Ms. Trina Mitra

... For the State

The Advocate-on-record of the petitioner 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 Patharpratima Police Station Case No. 135 of 2020 under Sections 147/148/323/325/326/427/506/354/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioner apprehending arrest in connection with the aforementioned case has filed the instant application for anticipatory bail.

It is ascertained from the First Information Report that some altercation and free fighting took place between the parties over construction of a room. The *de facto* complainant is the uncle of the petitioner. It is alleged that the *de facto* complainant received

fracture injury on his hand on being assaulted by a wooden baton and, therefore, we do not find prima facie ingredient of Section 326 of the Indian Penal Code. The charge-sheet has already been submitted.

For the reasons stated above, the petitioner is entitled to anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner 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, 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 and on further condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

CRM 1317 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)