

13.
28-07-2021
(ct. no.32)
KOLE
Allowed

(Via Video Conference)

CRM 1391 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgola Police Station** Case No. **461 of 2020** dated **20.11.2020** under Sections **341/325/326/307/34** of the Indian Penal Code.

- A n d -

In the matter of : Younus Ali @ Eunus Ali

.... Petitioner.

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Mr. M. Chatterjee,
Mr. G. N. Imrohi,
Mr. D. Majumder,

... For the Petitioner.

Mr. S. S. Imam,
Mr. S. Kundu,

... For the State.

It is submitted on behalf of the petitioner that he has been falsely implicated due to village rivalry. There was a free fight between the parties and counter case lodged by the petitioner against the complainant and others is also pending relating to the self-same incident. Both the parties sustained injuries in the alleged incident.

The State refers to the case diary including the injury report of the victim and opposes the prayer for anticipatory bail.

We have considered the material on record. The counter case relating to the same incident is pending between the parties. The two injury reports pointed out by the prosecution are inconsistent. Having considered the nature of allegations as well as material on record, we are inclined to

hold that the custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail subject to stringent conditions. It is also submitted that charge sheet has been submitted.

Accordingly, 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 of the concerned police station and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders. He shall report to the Officer-in-Charge of the concerned police station once in a week.

The application of anticipatory bail being CRM 1391 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)