

20.5.2021

CRM 1420 of 2021

Court No.28
Item No. 38

s.bhar

(Through Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 1161 of 2020 dated 15.12.2020 under Sections 447/323/324/307/34 of the Indian Penal Code.

And

In the matter of : **Uttam Bagdi & Ors.**

...Petitioners

Mr. Sourav Mukherjee

...For the Petitioner.

Mr. N. Ahmed

Mr. Amar Hossain

Ms. Ratna Ghosh

...For the State.

It is submitted on behalf of the petitioners that there is property dispute between the parties and the case and counter case are pending relating to the self-same incident.

The State refers to the case diary and opposes for anticipatory bail.

It appears from the statement of witness Aman Bagdi recorded under Section 161 Cr.P.C that the blow was dealt with by petitioner no. 2 Pratap Bagdi.

Considering the alleged direct and active involvement of petitioner no. 2 in alleged crime, we are inclined to hold that his custodial interrogation is required for the purpose of investigation and he is not entitled to anticipatory bail. However, considering the extent of complicity of the other petitioners, i.e., petitioners nos. 1,3, 4 and 5 in the alleged crime, we are of the view that they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners, namely, Uttam Bagdi, Chandana Bagdi and Ratul Bagdi and Punam Bagdi shall be released on bail upon furnishing a bond of

Rs. 10000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

With the aforesaid observation, the application for anticipatory bail, being CRM 1420 of 2021 is, thus, disposed of.

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

(Suvra Ghosh, J)

(Soumen Sen, J)