

DI. May 20,
46. 2021

Through Video Conference

C.R.M. 1497 of 2021

In the matter of : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on February 5, 2021 in connection with English Bazar Police Station Case No. 392 of 2020 dated May 9, 2020 under Sections 341/323/325/307 of the Indian Penal Code;

And

In the matter of : Jiaul Sk.	...petitioner.
Versus	
State of West Bengal	...opposite
party.	

Mr. Kallol Mondal,
Mr. Musharraf Alam Sk.,
...for the petitioners.

Mr. Saswata Gopal Mukherjee,
Ms. Zareen N. Khan,
Mr. Subrata Roh,
...for the State.

We have heard the learned advocates appearing for the parties and perused the case diary.

It is submitted on behalf of the petitioner that the petitioner has been falsely implicated in the instant case and that he is in no way connected with the alleged offence.

The learned Advocate appearing on behalf of the State opposes the prayer for anticipatory bail and produces the case diary. He draws our attention to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure directly implicating the petitioner.

Having considered the materials available in the case diary and the injury report which reveals that the injury does not appear to be life

threatening and also having regard to the fact that charge sheet has already been submitted, we are of the opinion that custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

Under such circumstances, we direct that in the event of arrest of the petitioner, namely, **Jiaul Sk.**, he shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand) only with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer, subject to the conditions as laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

We make it clear that this order shall remain in force for a period of five (5) weeks from date within which time the petitioner shall surrender before the jurisdictional court and pray for regular bail. The jurisdictional court shall consider the prayer for bail of the petitioner in accordance with law independently and without being influenced by any of the observations made by us.

The application for anticipatory bail is, thus, **allowed**.

dns

(**Suvra Ghosh, J.)**

(**Soumen Sen, J.)**