

29.07.2021

(Via Video Conference)

Court No.28
Item No.395
(allowed)

CRM 1512 of 2021

Saswata
&
ab

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Mayureswar Police Station Case No. 99 of 2020 dated 31.07.2020 under Sections 341/326/307/34 of the Indian Penal Code (G.R.Case no. 733 of 2020);
And

In the matter of : **Md. Nasiruddin Khan @ Nasir & anr.**
...Petitioners

Mr. Ranjan Chakraborti

...For the Petitioners

Mr. N.P.Agarwala
Mr. Pratick Bose

...For the State.

Apprehending arrest in connection with Mayureswar Police Station Case No. 99 of 2020 under Sections 341/326/307/34 of the Indian Penal Code (G.R.Case no. 733 of 2020), the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioners have been implicated in the instant case over a scuffle between the two groups and the injured suffered injury on the head. A case has been registered, as the allegation appears to be serious in nature.

Our attention is drawn to the medical document, annexed with the case diary including the CT scan of the brain, where we find that there is no sign of obvious intra-cranial injury found on the head. Since the injured was discharged without being admitted to the hospital and furthermore, the charge-sheet has already been submitted, we do not think that custodial interrogation of the petitioners is necessary.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of ₹10,000/- each, 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 on condition that they shall attend the Trial Court on every day of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioners fail to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

The application for anticipatory bail being CRM 1512 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)