

01.09.2021
Item no.26
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 1539 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 05.02.2021 in connection with Kaliganj Police Station Case No. 526 of 2020 dated 14.11.2020 under Sections 341/325/326/34 of the Indian Penal Code.

And

In the matter of : Nousad Sk & Ors.

.....Petitioners.

Mr. Khalid Hasan, Advocate,
Mr. Abhijit Singh, Advocate,

.....for the Petitioners.

Mr. Swapan Banerjee, Advocate,
Ms. Purnima Ghosh, Advocate,

.....for the State.

The petitioners are charged under Sections 341/325/326/34 of the Indian Penal Code. The allegation is that the petitioners caused grievous bodily harm to the victim.

The petitioners say that it was a case of usual village rivalry. There was some dispute between the parties. There was an altercation and the victim suffered injury.

We have seen the statements on record as well as the injury report. The injury does not appear to be significant.

On an overall assessment of the facts and circumstances of the case and the material on record as well as the gravity and nature of the alleged offence, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the investigating officer.

Accordingly, in the event of arrest, the petitioners namely Nousad Sk., Rasid Sk., Laskar Sk., Moti Sk. @ Motibul Sk. shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders. The petitioners shall report to the investigating officer of the case once every fortnight until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 1539 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

