

04.08.2021
Item no.13.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 1543 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 Mollarpur Police Station Case No.102 of 2020 Dated 22.10.2020 under Sections 448/323/325/326/34 of the Indian Penal Code

And

In the matter of : Sukash Bagdi & Others

.....Petitioners.

Ms. Koel Mukherjee,
Mr. Anurag Sardar,
Mr. Mahfuz Murshed,
Mr. Sayan Mukherjeefor the Petitioners.

Mr. Swapan Banerjee,
Mr. Suman Defor the State.

Leave is granted to the petitioners to correct the date of the FIR in the cause title and the prayer portion of the petition.

Learned Advocate for the petitioners submits that the petitioner no.2 has been arrested after filing of this application. Hence, this application is not pressed on behalf of the petitioner no.2.

The petitioners say that the incident was an outfall of a dispute between the petitioners and the complainant and his wife as regards possession of a fishery. The dispute appears to be civil in nature.

We have considered the material in the case diary and the injury report therein. The injury does not appear to be very serious or life threatening. No statement of the injured persons has been recorded.

Having considered the facts and circumstances of the case, we are of the view that immediate custodial interrogation of the petitioner nos.1 and 3 to 7 may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner nos.1 and 3 to 7 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.

In case the petitioner nos.1 and 3 to 7 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 C.R.M. No.1543 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.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

