

21.05.2021
SL No.48
Court No.28
(gc)

CRM 1727 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Bamongola Police Station Case No.98/2020 dated 10.05.2020 under Section 341/325/354/308/379/506/34 of the Indian Penal Code.

And

In the matter of : **Bikash Sarkar & Anr.**

- Petitioners

Mr. Musharraf Alam Sk.

... For the Petitioners.

Mr. S.S. Imam,

Mr. S. Kundu,

... For the State.

It is submitted on behalf of the petitioners that they have been falsely implicated in this case. The charge-sheet has been submitted.

The State, however, opposes the prayer for anticipatory bail. The State candidly submits that there is no prima facie material against the petitioners under Section 354 of the Indian Penal Code.

Considering the materials available on record including the injury report wherefrom the injuries not appear to be serious or life-threatening and as the victim has been discharged from the hospital and also having regard to the fact that the charge-sheet has been submitted and considering the submissions of the State to the effect that there is no prima facie material against the petitioners under Section 354 of the Indian Penal Code, we are of

the opinion that custodial interrogation of the petitioners may not be required and they may be granted anticipatory bail. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Bikash Sarkar and Subodh Sarkar**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No.1727 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.)