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21-05-2021

Court 28

**C.R.M. 1788 of 2021
(Via Video Conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mayureswar Police Station Case No. 79 of 2020 dated 22.06.2020 under sections 143/324/326/307/106 of the Indian penal Code.

Billal Sekh @ Birbal Seikh & Ors.
Versus
State of West Bengal & Ors.

Allowed

Mr. Saptarshi Chakraborty, Adv.

...for the petitioner.

Mr. N. Ahmed, Adv.

Mr. Anwar Hossain, Adv.

Ms. Sreyashee Biswas, Adv.

...for the State.

It is submitted on behalf of the petitioners that there was free fight between the parties due to previous rivalry and a case and counter case were lodged over the same incident. The members of both parties sustained injuries. Charge-sheet has already been submitted in the instant case.

The learned Counsel for the State refers to the injury reports of the victim and statement of the witness recorded under Section 161 of the Code of Criminal Procedure and opposes the prayer for anticipatory bail.

Considering the materials, it appears that a counter case relating to the self same incident is pending between the parties. Documents also reveal that both parties sustained injuries. Charge-sheet has been submitted. In view of the materials available before us, we are inclined to hold that custodial interrogation of the petitioners is not required and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on anticipatory bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only) 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 of the petitioners is allowed.

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.)