

05.08.2021

(Via Video Conference)

Court No.28  
Item No.331  
(ALLOWED)

**CRM 1853 of 2021**

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 12.02.2021 in connection with Palashipara Police Station Case No. 372 of 2020 dated 18.12.2020 under Sections 307/326/325/448/354(B)/506/34 of the Indian Penal Code;

And

In the matter of : **Joylal Shaikh and others.**

**...Petitioners**

**Mr. Asraf Mandal.**

**...For the Petitioners**

**Mr. Imran Ali,  
Ms. Sutapa Banerjee.**

**... For the State**

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Palashipara Police Station Case No. 372 of 2020 under Sections 307/326/325/448/354(B)/506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

According to the petitioners, the instant case is a counter blast to the complaint lodged by the complainants over a scuffle on the dispute after the demarcation of land. It is further submitted that the scuffle arose when the complainants went to erect the fencing after the Surveyor demarcated the land and both parties suffered injuries.

The complainants have been granted the benefit of anticipatory bail but the police is intending to apprehend the petitioners in

connection with the instant case.

We had an occasion to peruse the medical report annexed to the case diary and the statement of the witnesses recorded therein, we do not find custodial interrogation of the petitioners is at all necessary.

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

CRM 1853 of 2021 is, thus, **allowed**.

**(Harish Tandon, J)**

**(Bibek Chaudhuri, J.)**