

29. 13.08.2021

Ct.32

Tanmoy

Allowed

C.R.M. 1938 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **18/02/2021** in connection with **Kharagpur (Local) Police Station Case No. 257 of 2020** dated **22/04/2020** under Sections **341/323/324/307/354/379/506/34** of the Indian Penal Code.

And

In the matter of: - **Sekh Golam Rusul @ Golam Rosul & Ors.**
....petitioners.

Mr. Rajdeep Bhattacharya
...for the petitioners.

Mr. Arijit Ganguly,
Mr. Avik Ghatak
...for the State.

The allegations are under various Sections of the Indian Penal Code including Sections 323/324/307 of the I.P.C.

The incident appears to be that the accused persons intruded into the garden of the complainant to steal mangoes. The complainant raised protest. The accused persons retaliated. There was a fight. Certain persons suffered injuries. Hence, this case.

We have seen the material in the Case Diary including the injury report. The injuries do not appear to be serious. We have also seen the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. None of the statements clearly and specifically implicate the present petitioners. The other co-accused persons have been granted bail by the learned Court below.

Having regard to the general and omnibus nature of the allegations against the present petitioners and the gravity and nature of the alleged offence as also the material on record and also, since charge-sheet has already been filed, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they are prepared to co-operate with further investigation, if any.

Accordingly, 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

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 being C.R.M. 1938 of 2021 is, accordingly, disposed of.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)