

**CRM 2043 of 2021**

**In re:** An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Santipur Police Station** Case No. **476 of 2020** dated **26.10.2020** under Sections **341/325/326/307/506/34** of the Indian Penal Code.

- A n d -

**In the matter of : Haridas Durlav & Anr.**

.... Petitioners.

Mr. S. Das,

... For the Petitioners.

Mr. Md. A. Hossain,  
Mr. S. Biswas,

... For the State.

Learned Advocate for the petitioners submits that the petitioner no. 2 has already been taken into custody. Accordingly, this application is not pressed on behalf of the petitioner no. 2. The application is dismissed in so far as the petitioner no. 2 is concerned.

In so far as the petitioner no. 1 is concerned, learned Advocate says that the incident was a fall-out of a dispute that arose in relation to banana plucking between two groups. There was a free fight. Members of both the groups suffered injuries. The petitioner no. 2 also suffered injury and broke his right hand. There is a case and counter-case.

We have seen the material in the case diary. The main allegation is against the petitioner no. 2. The material do not *prima facie* implicate the petitioner no. 1.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner no. 1 in the alleged offence, although charge sheet has not yet been filed, we are of the view that immediate custodial interrogation of the petitioner no. 1 may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner no. 1, namely, **Haridas Durlav** shall be released on bail upon furnishing a bond of Rs. 10,000/-, 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 the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2043 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

( **Bivas Pattanayak, J.**  )

( **Arijit Banerjee, J.**  )