

25.
15-09-2021
(ct. no.32)
KOLE
Allowed

CRM 2081 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua Police Station** Case No. **383 of 2019** dated **25.07.2019** under Sections **341/324/325/307/506/34** of the Indian Penal Code.

- A n d -

In the matter of : Hakim

.... Petitioner.

Mr. S. Saha,

... For the Petitioner.

Mr. N. P. Agarwala,
Mr. P. Bose,

... For the State.

The petitioner says that he has no role to play in the injury of the victim. There was a fight between two neighbours. The petitioner went to separate them and restore peace between them. The complainant's son came into the scene and sustained injury. The entire allegation of causing injury is against one Kalam, who is in custody. The petitioner is innocent.

We have seen the material in the case diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. The petitioner is right in saying that the main allegation is against the aforesaid Kalam.

On an overall assessment of the material on record and given the fact that charge sheet has already been submitted, we are of the opinion that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Hakim** 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 2081 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.**)