

29. 06.08.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2083 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **23/02/2021** in connection with **Chanchal Police Station Case No. 697 of 2020** dated **15/08/2020** under Sections **448/323/325/326/307/34** of the Indian Penal Code.

And

In the matter of: - **Altab Hossain @ Altab & Ors.**

....petitioners.

Mr. Sujoy Sarkar

...for the petitioners (through V.C.)

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

...for the State.

Allegation against the petitioners is, *inter alia*, under Sections 326/307/34 of the Indian Penal Code. The petitioners submit that the complaint was an outfall of dispute between the parties and a counter-case was also filed by the petitioners against the *de facto* complainant and others over the same incident.

Learned Counsel for the State opposes the prayer for anticipatory bail and referring to the injury reports in the Case Diary, submits that some of the injuries are grievous.

We have considered the material in the Case Diary. Charge-sheet has been submitted upon completion of investigation. A counter-case filed by the petitioners is pending over the same incident.

In view of the nature of allegations and material available in the Case Diary as well as in the facts and circumstances of

the case, we are inclined to hold that immediate custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

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 for anticipatory bail being C.R.M. 2083 of 2021 is, thus, **allowed**.

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.)