

16.08.2021.
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As/Akd
(Allowed)

C.R.M. 2141 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Manikchak P.S. Case No.221 of 2020 dated 21.08.2020 under Sections 447/323/325/307/34 of the Indian Penal Code.

In the matter of : Dulal Mandal & Anr. ... Petitioners.

Mr. Amitava Karmakar,
Mr. Arup Kr. Bhowmick.

.....for the Petitioners.

Mr. S. S. Imam,
Ms. Sonali Dhar.

.....for the State.

Apprehending arrest in connection with Manikchak P.S. Case No.221 of 2020 dated 21.08.2020 under Sections 447/323/325/307/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

Two petitioners have joined in the instant application praying for anticipatory bail.

It is ascertained from the submission made by the learned Advocates for the petitioners that there was a scuffle between the family members and during such scuffle, the victim received the injury. It appears from the concerned police station case that except Section 307 of the Indian Penal Code, all other allegations are bailable in nature.

On perusal of the Case Diary and specially the injury report, we do not find any grievous injury or any evidence as to intention of the petitioners in support of the allegation under Section 307 of the Indian Penal Code. Furthermore, charge sheet has already been submitted in this case.

For the reasons stated above, the petitioners are entitled to get privilege of anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local subject to the satisfaction of the arresting officer and on condition that they shall attend the trial court on every date of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioners fail to do so without any justifiable cause, the trial court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 2141 of 2021 is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)