

21.09.2021.
178.
As/Akd
(Allowed)

C.R.M. 2151 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Harishchandrapur P.S. Case No.940 of 2020 dated 30.12.2020 under Sections 448/326/324/354/308/34/506 of the Indian Penal Code.

In the matter of : Majarul Hoque @ Majarul Islam
@ Boga & Ors.

... Petitioners.

Ms. Sujata Das.

.....for the Petitioners.

Mr. Narayan Prasad Agarwal,
Ms. Subhasree Patel.

.....for the State.

Apprehending arrest in connection with Harishchandrapur P.S. Case No.940 of 2020 dated 30.12.2020 under Sections 448/326/324/354/308/34/506 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

The petitioners have prayed for anticipatory bail on the ground that no specific role was attributed to any of the accused persons. There was a scuffle between the parties over previous enmity and accordingly, the petitioners should be released on anticipatory bail.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have carefully perused the Case Diary. We are of the view that under the facts and circumstances of the case,

the petitioner Nos.5 and 6 are entitled to the benefit of anticipatory bail.

However, considering the nature of allegations and the extent of injury suffered by the de-facto complainant, we are of the opinion that the rest of the petitioners viz., petitioner Nos.1 to 4 are not entitled to such benefit.

Hence, the prayer for anticipatory bail of the petitioner Nos.1 to 4 is rejected.

Accordingly, we direct that in the event of arrest the petitioner Nos.5 and 6 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, subject to the satisfaction of the arresting officer and on condition that they shall meet the Investigating Officer as and when required and on further conditions as enshrined 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 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 2151 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)

