

17.08.2021

Court No.28
Item No.275
(Allowed)

Akd
&
As

CRM 2160 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Kaliganj Police Station Case No. 542 of 2020 dated 24.11.2020 under Sections 447/323/325/326/506/509/34 of the Indian Penal Code;

And

In the matter of : **Biswanath Ghosh & Anr.**
...Petitioners

Mr. Manas Kumar Das,
Mr. Asraf Mandal.

...For the Petitioners

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee,
Mr. A. K. Datta.

...For the State.

Apprehending arrest in connection with Kaliganj Police Station Case No. 542 of 2020 under Sections 447/323/325/326/506/509/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

Petitioners say that they have been falsely implicated in connection with the instant case on the allegation that the petitioners and their family members have forcefully entered into the house of the de facto complainant and physically assaulted him because of the previous grudge and enmity.

The State opposes the prayer for anticipatory bail.

We had an occasion to peruse the copy of the medical examination report. It is no doubt true that the injured was admitted into hospital for two or three days, but the nature of injury disclosed therein does not instill any confidence in us that the injury is grievous in nature.

We thus do not find any justification in the custodial interrogation of the petitioners.

The prayer for anticipatory bail is thus allowed.

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 of the concerned police station subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that the petitioner shall meet the Investigating Officer once in a week till the completion of investigation.

Default without any plausible reason on a solitary occasion to appear before the Investigating Officer may entitle the prosecution to apply for cancellation of the liberty granted in this order and if such approach is made, the concerned Court would decide the same independently without any further reference to this Court.

The application for anticipatory bail, being CRM 2160 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)