

26.08.2021.
285.
As/Akd
(Allowed)

**C.R.M. 2190 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Khanakul P.S. Case No.35 of 2021 dated 21.01.2021 under Sections 447/324/325/308/504/341 of the Indian Penal Code.

In the matter of : Asit Bag.

... Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee.

.....for the Petitioner.

Md. Anwar Hossain,
Mr. Narayan Prasad Agarwal,
Ms. Sreyashee Biswas.

.....for the State.

Apprehending arrest in connection with Khanakul P.S. Case No.35 of 2021 dated 21.01.2021 under Sections 447/324/325/308/504/341 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

Due to family dispute, it is alleged that the petitioner assaulted the victim with the help of lathi and other blunt objects on the fateful date of occurrence.

We have carefully perused the injury report as well as the statement of the injured victim and other witnesses. We, prima facie, do not find material under Section 308 of the Indian Penal Code against the petitioner. All other offences are bailable in nature.

Therefore, the petitioner is entitled to the benefit of Section 438 of the Code of Criminal Procedure.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/-, 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 he shall meet the Investigating Officer once in a fortnight and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 2190 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)