

29.
15-09-2021
(ct. no.32)
KOLE
Allowed

CRM 2200 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda Police Station** Case No. **781 of 2020** dated **31.12.2020** under Sections **448/323/325/308/354(B)/379/34** of the Indian Penal Code.

- A n d -

In the matter of : Mithun Chowdhury & Anr..

.... Petitioners.

Mr. M. Gomes,
Mr. K. Biswas,

... For the Petitioners.

Mr. Rana Mukherjee, APP.
Mr. S. Bhattacharyya,
Mr. M. Firoj Ahmed Begg,

... For the State.

The petitioners are two out of several accused persons. The petitioners say that there was a fight between lady members of two neighbouring families. Thereafter, the male members of the two families joined in the skirmish. The elders of the locality intervened. The matter was settled. The petitioners thought that everything was over. However, the present complaint has been filed. The petitioners say that false allegations have been made.

We have seen the material in the case diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. We have also seen the injury report. The injury is simple in nature.

On an overall assessment of the facts and circumstances and the material on record, although charge sheet is yet to be submitted, we are of the view that immediate custodial

interrogation of the petitioners is not necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Mithun Chowdhury and Sudhan Chowdhury** 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 until further orders.

In the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2200 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)