

42. 11.08.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2306 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **01/03/2021** in connection with **Bhimpur Police Station Case No. 265 of 2020** dated **25/10/2020** under Sections **341/325/326/34** of the Indian Penal Code.

And

In the matter of: - **Sridhar Ghosh & Ors.**

....petitioners.

Mr. Sumanta Das

...for the petitioners.

Mr. Tapadeb Nandy,
Mr. Antarikhya Basu

...for the State.

It is submitted on behalf of the petitioners that there was an altercation between two parties in connection with '*Durga Puja*' and both the parties suffered injuries in the incident. A counter-case relating to the same incident, lodged by the petitioners, is also pending.

Learned Counsel for the State refers to the Case Diary including the injury reports of the victims and statements of witnesses.

It is also submitted that investigation is in progress.

We have considered the material in the Case Diary. It *prima facie*, appears that a case and counter-case are pending between the parties over the selfsame incident. Both the parties appear to have suffered injuries in the incident.

Having regard to the material in the Case Diary, nature of allegations as well as the extent of complicity of the petitioners

in the alleged crime, we are of the view that immediate custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail so long as they co-operate with the Investigating Officer.

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 and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application being C.R.M. 2306 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)