

05. 20.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2330 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **02/03/2021** in connection with **Bhagwangola Police Station Case No. 242 of 2020** dated **01/06/2020** under Sections **447/448/354/325/326/307/380/435/436/427/120B** of the Indian Penal Code.

And

In the matter of: - **Ab Halim @ Abdul Halim @ Laltu Sk & Anr.**

...petitioners.

Ms. Rabia Khatoon

...for the petitioners.

Mr. Sudip Ghosh, Ld. Sr. Govt. Adv.,
Mr. Bitasok Banerjee,
Mr. A.K. Datta

...for the State.

The petitioners are two out of several accused persons. The allegation is primarily of attempted murder, causing grievous bodily harm and arson.

The petitioners say that they did not actively participate in the incident. They were only present as members of the group.

We have seen the statements of witnesses in the Case Diary. We have also seen the injury report. From the material on record it *prima facie* does not appear that the petitioners were the persons who actually inflicted the injury on the victims. We are told that charge-sheet has been submitted.

On an overall assessment of the material on record and the facts and circumstances of the case and the nature and gravity of the offence, we are of the view that immediate

custodial interrogation of the petitioners may not be necessary so long as they co-operate with further investigation, if any.

Accordingly, in the event of arrest, the petitioners, *viz.*, **1. Ab Halim @ Abdul Halim @ Laltu Sk, 2. Ismail Sk** 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 for anticipatory bail being C.R.M. 2330 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)