

26.08.2021
Court No.28
Item No. 295
(allowed)

Saswata
(Assistant
Registrar)(Court)

(Via Video Conference)

CRM 2397 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Daspur Police Station Case No. 329 of 2020 dated 02.09.2020 under Sections 341/323/325/308/379/506/34 of the Indian Penal Code;

And

In the matter of : **Saiful Mallick @ Safiul Mallik & Ors.**
...Petitioners

Mr. Suman De

...For the Petitioners

Mr. Arijit Ganguly
Mr. Sanjib Kr. Dan
Mr. Tapan Bhattacharjee

...For the State.

The Advocate on Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Daspur Police Station Case No. 329 of 2020 under Sections 341/323/325/308/379/506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

It is submitted by the learned Advocate for the petitioners that one, Sahajahan Mallick is the principal accused and the present petitioners were falsely implicated in this case. Though the case was initiated under Section 379 along with other penal provisions of the Indian Penal Code, charge sheet was filed under Sections 325/308/506 and 34 of the Indian Penal Code.

We have carefully perused the case diary. The nature of injury appears to be simple. Moreover, on filing of the charge sheet, custodial interrogation of the petitioners is not necessary.

The prayer for anticipatory bail is thus **allowed**.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Saiful Mallick @ Saiful Mallik, Bappa Mallick @ Bappa**

Mallik and **Sariful Mallick @ Sariful Mallik** shall be released on bail upon furnishing a bond of ₹10,000/- (Rupees Ten Thousand only) 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 and on condition that the petitioners shall attend the Trial Court on every day of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioners fail to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

The application for anticipatory bail being CRM 2397 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)