

35. 18.08.2021

Ct.32

Tanmoy

C.R.M. 2399 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **04/03/2021** in connection with **English Bazar Women Police Station Case No. 127/2020** dated **02/12/2020** under Sections **448/376/511/307/120B/323/326/34** of the Indian Penal Code.

And

In the matter of: - **Salam Sain @ Salam Sai & Ors.**

...petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. S.S. Imam,
Mr. S. Kundu

...for the State.

The allegation against the petitioners is that they went to the complainant neighbour's house and assaulted her.

The petitioners say that there is a longstanding dispute between them and their neighbours. This has prompted the complainant to file the present complaint.

Learned Counsel for the State produces the Case Diary and we have seen the material therein. We have seen the statement of the complainant/victim recorded under Section 164 of the Code of Criminal Procedure as well as the injury report. The injury cannot be said to be insignificant. Investigation is going on. The complainant in her statement specifically names the petitioner nos. 1 and 2.

In view of the aforesaid, we are not inclined to allow the prayer for anticipatory bail of the **petitioner nos. 1 and 2** and the application stands **dismissed** as far as they are concerned.

However, from the Case Diary we do not *prima facie* find such incriminating material as would warrant immediate custodial interrogation of the petitioner nos. 3 and 4. We, therefore, allow the prayer for anticipatory bail of the petitioner nos. 3 and 4.

Accordingly, in the event of arrest, the **petitioner nos. 3 and 4**, 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 petitioner nos. 3 and 4 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. 2399 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.)