

48. 11.08.2021
Ct.32
SB

C.R.M. 2415 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 Bhagawanpur Police Station Case No. 128/2020 dated 02.06.2020 under Sections 302/34 of the Indian Penal Code.

And

In the matter of: - Sk. Habiluddin and Ors.

Mr. Milon Mukherjee
Mr. D. Dutta

...for the petitioners.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State

It is submitted on behalf of the petitioners that there was a clash between two groups and members of both the groups suffered injuries. A counter case relating to the same incident which was filed by the petitioners is also pending.

Learned counsel for the petitioners also submits that petitioner nos. 3 & 4 sustained injuries in the alleged incident. Unfortunately, Sk. Shajahan Mohammed succumbed to such injuries.

The State opposes the prayer for anticipatory bail and refers to statements of witnesses recorded under Section 161 of the Code of Criminal Procedure and also injury report of the victim.

We have considered the material in the case diary. A case and counter case are pending over the self-same incident. Prima facie, injuries were suffered by members of both the groups in

the alleged altercation. Charge-sheet has been submitted upon completion of investigation.

Having considered the material in the case diary and nature of the allegations as well as the facts and circumstances of the case and as also charge sheet has been submitted, we are inclined to hold that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigating Officer and they may be granted anticipatory bail subject to stringent conditions.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 of the petitioners failing 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 reference to this Court.

The application for anticipatory bail being C.R.M. 2415 of 2021 is, accordingly, allowed.

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.)