

CRM 2460 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj Police Station** Case No. **742 of 2017** dated **23.10.2017** under Sections **341/325/326/307/34** of the Indian Penal Code.

- A n d -

In the matter of : Udharu Md.

.... Petitioner.

Mr. M. N. Chowdhury,
Mr. P. Saha,

... For the Petitioner.

Mr. A. Hossain,
Mr. R. Ghosh,

... For the State.

The petitioner is one out of six accused persons. We are told that three of the accused persons have been granted anticipatory bail by the learned Trial Court and the other two accused persons have been granted regular bail by the learned Trial Court.

The petitioner says that he has been falsely implicated. He has no role to play in the alleged incident.

We have seen the statement of the injured victim recorded under Section 161 of the Code. *Prima facie* it appears that the injury that was inflicted by using a sharp cutting weapon was not so done by the present petitioner. We have also seen the injury report. It is not very serious.

On an overall assessment of the facts and circumstances of the case and the material on record and the possible extent of complicity of the petitioner in the alleged offence and considering

the fact that charge sheet has already been submitted, we are of the view that immediate custodial interrogation of the petitioner is not necessary so long as he cooperates with further investigation, if any.

Accordingly, in the event of arrest, the petitioner, namely, **Udharu Md.** 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 the petitioner fails 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 further reference to this Court.

The application for anticipatory bail being CRM 2460 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)