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Allowed

CRM 2666 of 2020

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with English Bazar P.S Case No. 101 of 2020 dated 28.01.2020 under Sections 448/323/325/326/506/34 of the Indian Penal Code.

And

**In the matter of: Johar Ali & Anr.
... Petitioners**

Mr. Arup Kumar Bhowmick For the Petitioners

Mr. Nguive Ahmed, Ld. APP
Ms. Amita Gaur For the State

It is submitted on behalf of the petitioners that there was a free fight and case and counter case were registered.

By an earlier order dated 20th October, 2020 the coordinate bench directed the State to produce the case diary and the petitioners were directed to cooperate with the investigation. The State was also directed not to arrest the petitioners till two weeks after puja vacation.

In view of earlier order Mr. Ahmed, learned counsel representing the State, has produced the case diary and opposed the prayer for anticipatory bail. However, in all fairness he has submitted that charge sheet has already been filed in this case.

Considering the materials available against the petitioners, as revealed from the case diary and the nature and extent of complicity of the petitioners in the alleged offence and also having regard to the fact that charge sheet has already been filed, further custodial interrogation of the petitioners may not be necessary.

In view thereof, the petitioners will be enlarged on bail upon furnishing security 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, English Bazar Police

Station. The petitioners shall also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

CRM 2666 of 2020 is thus disposed of.

(Rabindranath Samanta,J)

(Soumen Sen,J.)