

36. 13.08.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2522 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **09/03/2021** in connection with **Malda Police Station Case No. 73 of 2021** dated **11/02/2021** under Sections **333/341/325/353/308/34** of the Indian Penal Code.

And

In the matter of: - **Santosh Maity @ Babla & Ors.**

....petitioners.

Mr. Soubhik Mitter,
Mr. Biswajit Tiwari

...for the petitioners.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Arani Bhattacharyya

...for the State.

The charge is of causing grievous bodily harm. Several Sections of the Indian Penal Code including Section 325 of the I.P.C. has been pressed into service.

We have considered the material in the Case Diary and in particular, the injury report. The report talks of only nail scratch marks. That can hardly be said to be serious or grievous.

Considering the nature and gravity of the charges and the material on record, although charge-sheet has not yet been filed, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the investigation.

Accordingly, in the event of arrest, the petitioners 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 petitioners 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. 2522 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.)