

11.06.2021
Court No.28
SL No.34
PJ/KC

CRM 2549 of 2021
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baghmundi** P.S. Case No. **78/2020** dated **6.8.2020** under Sections **147/149/448/323/324/326/506 of the Indian Penal Code (G.R. Case No. 1064/2020)**;

And

In the matter of: **Sri Dayaram Kusbaha & anr.**

....Petitioners.

Mr. Pawan Kumar Gupta,
Mr. Sougata Mitra,
Ms. Ankita Dey,

...for the Petitioners.

Mr. P.K. Dutta,
Mr. Santanu Deb Roy,

...for the State.

This application for anticipatory bail has been filed apprehending arrest in connection with Baghmundi P.S. Case No. 78/2020 dated 6.8.2020 under Sections 147/149/448/323/324/326/506 of the Indian Penal Code corresponding to G.R. Case No. 1064/2020.

Learned counsel for the petitioners submits that his clients are father-in-law and sister-in-law of the victim.. It is submitted that the son and daughter-in-law have instituted a large number of proceedings against the petitioners relating to the paternal property of the petitioners. Learned counsel for the petitioners also submits that substantial part of the cause of action against the petitioners may have occurred in the State of Jharkhand.

This Court has seen the injury report. The concerned Medical Officer has clearly stated that at the time when the complainant came

for medical examination there was no allegation of any assault by any person. It also appears that the victim was treated in the “Out Patient Department”.

Considering the above and the fact that the disputes arose out of family property, this Court is inclined to grant relief to the petitioners under Section 438 Cr.P.C.

Accordingly, in the event of arrest the petitioners shall be released on bail subject to satisfaction of conditions under Section 438(2) of Cr.P.C., 1973 and upon furnishing a bond of Rs.10,000/- each (Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the IO, subject to condition that the petitioners shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners shall not enter the jurisdiction of the Police Station except for the purposes of investigation and attending Court proceedings and shall provide the addresses where they will reside while on bail to the Investigating Officer as well as the Court below and shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction they will reside once in a week until further orders. The petitioners shall surrender their passports to the IO and if they do not possess passports shall submit affidavits to that effect before the IO.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)