

(Via Video Conference)

CRM 2613 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak Police Station** Case No. **707 of 2014** dated **08.10.2014** under Sections **341/326/308/34** of the Indian Penal Code.

- A n d -

In the matter of : Ratan Saha

.... Petitioner.

Mr. Arup Kumar Bhowmick

..... for the Petitioner

Mr. Iqbal Kabir

... For the State.

The allegation is of inflicting grievous hurt on the victim. It is alleged that the petitioner and three other persons assaulted the victim badly.

The petitioner says that the incident was a fall out of a dispute regarding construction of a wall to demarcate the properties of the respective parties.

We have seen the material in the case diary including the statements of persons recorded under Section 161 of the Code of Criminal Procedure. We have seen the injury report. We are told that the petitioner is absconding since 2014. Warrant of arrest had been issued.

On an over all assessment of the facts and circumstances of the case and in view of the conduct of the petitioner we are not inclined to allow the petitioner's prayer for anticipatory bail.

However, in the event, he surrenders before the learned trial Court within a week from date, he shall not be arrested for

a period of one month from date. In the meantime the petitioner shall be at liberty to apply for regular bail before the appropriate Court upon notice to the State. If such an application is made, the same shall be decided in accordance with law without being influenced by any observation in this order.

CRM 2613 of 2021 is thus dismissed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)