

18.08.2021
Item no.48.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2729 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 16.03.2021 in connection with Berhampore Police Station Case No.1070 of 2020 Dated 19.10.2020 under Sections 341/324/326/307/506 34 of the Indian Penal Code

And

**In the matter of : Ratikanta Mondal
@ Bachchan Mondal & Anr.**

.....Petitioners.

Ms. Minoti Gomes,
Mr. J. I. Hossainfor the Petitioners.

Mr. S. S. Imam,
Mr. S. Kundufor the State.

The allegation against the petitioners is, inter alia, under Sections 326/307 of the Penal Code.

The petitioners submit that there was a dispute with regard to land of the parties under cultivation and in the heat of the moment, the parties assaulted each other and both the petitioners and the defacto complainant sustained injuries. However, no complaint was lodged by the petitioners and the matter was amicably settled upon intervention of the elders of the village.

The State opposes the prayer for anticipatory bail and refers to statements of witnesses in the case diary recorded

under Section 161 of the Code as well as the injury reports. It is further submitted that the victim suffered grave injuries.

We have considered the material in the case diary. Charge sheet has been submitted upon completion of investigation. Though the injuries suffered by the victim are serious, having considered the material in the case diary as well as the fact that the incident prima facie occurred out of a sudden heated altercation and does not appear to be a premeditated act on the part of the petitioners, we are inclined to hold that immediate custodial interrogation of the petitioners may not serve any fruitful purpose and they may be granted anticipatory bail subject to stringent conditions.

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 until further orders ; and on further conditions that the petitioners shall meet the Officer-in-Charge of Berhampore Police Station once in a fortnight and they will also attend the Trial Court on every date of hearing until further orders.

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 for anticipatory bail being C.R.M. No.2729 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)