

25.08.2021

Sl. No. 69

Court No.32

BM

CRM 2840 of 2021

(Via Video Conference)

In Re: An application for Anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Raghunathganj Police Station Case No.670 of 2020 dated 29.12.2020 under Sections 341/325/326/307/34 of the Indian Penal Code.

And

In the matter of: Atabul Sk.@ Shaikh & Ors.

... Petitioners

Ms. Sreyashee Biswas

Ms. Benajir Hasna ... for the petitioners

Mr. Rudradipta Nandy ... for the State

Allegations against the petitioners are under Sections 341/325/326/307/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that out of 9 accused persons, 5 have been granted anticipatory bail by the court below. The present petitioners stand on the same footing. They have been falsely implicated. Charge sheet has been submitted.

The State opposes the prayer for anticipatory bail and refers to page 37 of the statement of the witnesses in the case diary under Sections 161 of the Code as also injury report of the victim.

We have considered the materials in the case diary. Injuries do not appear to be life threatening. Co-accused persons who have been granted anticipatory bail earlier appear to be standing on the same footing as the petitioners.

In view of the material available in the case diary, nature and gravity of the offence and as the charge sheet has been submitted, we

are inclined to admit the petitioners on anticipatory bail holding that their custodial interrogation is no longer required.

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.

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 CRM 2840 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.)

(Shivakant Prasad ,J.)