

73. 20.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2980 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **24/03/2021** in connection with **Mollarpur Police Station Case No. 25 of 2021** dated **10/02/2021** under Sections **447/324/325/308/506/34** of the Indian Penal Code.

And

In the matter of: - **Tapas Bagdi & Ors.**

...petitioners.

Mr. Sayan Mukherjee,

...for the petitioners (through V.C.).

Mr. Madhusudan Sur, Ld. A.P.P.,

Mr. Dipankar Paramanick

...for the State.

Learned Advocate for the petitioners submits that he is not pressing this application for anticipatory bail on behalf of petitioner nos. 2 and 4, *viz.*, **2. Pabitra Bagdi, 4. Sisir Bagdi**, since they have already been taken into custody.

Accordingly, this application for anticipatory bail is **dismissed as not pressed** insofar as petitioner nos. 2 and 4 are concerned.

As regards the other petitioners, learned Advocate submits that the incident was a result of a civil dispute in respect of property. The petitioners had no criminal intent. The petitioners are fully prepared to co-operate with the Investigating Officer.

We have seen the injury report. Neither of the two victims has suffered serious injury.

Learned Advocate for the State points out that the petitioner no.1 has been specifically named in the injury report.

Be that as it may, as we have noted above, no serious injury is detected. On an overall consideration of the statements of witnesses in the Case Diary and the possible extent of complicity of the petitioners in the alleged offence, we are of the view that the petitioner nos. 1, 3 and 5 may be granted anticipatory bail so long as they fully co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, *viz.*, **1. Tapas Bagdi, 3. Taru Bagdi, 5. Bonogopal Bagdi** 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.

And on further condition that the petitioner nos. 1, 3 and 5 will meet the Investigating Officer once every week.

In case the petitioner nos. 1, 3 and 5 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. 2980 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)