

27.08.2021
Item no.97.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2986 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 Raghunathganj Police Station Case No.461 of 2019 Dated 25.8.2019 under Sections 341/326/307/379/427 34 of the Indian Penal Code

And

In the matter of : Anowar Mian & Anr.

.....Petitioners.

Mr. U. A. Dewan,

Mr. Asif Dewanfor the Petitioners.

Ms. Sukanya Bhattacharya,

Md. Kutubuddinfor the State.

Learned Advocate for the petitioners submits that this application for anticipatory bail is not pressed insofar as the petitioner no.1 is concerned as he has already been arrested and enlarged on bail.

Accordingly, the application is dismissed insofar as the petitioner no.1 is concerned.

The petitioner no.2 says that his name did not appear in the first information report. He has been falsely implicated. One Montu Mian is the prime accused, who fired at the victim, who sustained bullet injury. Montu Mian has been enlarged on bail after being apprehended. Charge sheet has been submitted. Custodial interrogation of these petitioners is not necessary.

The State produces the case diary. We have seen the injury report as well as the statement of the injured victim. On a careful reading of that statement, it prima facie appears that the petitioner no.2 may not have been actively involved in the alleged incident of inflicting grievous bodily harm on the victim. Further, charge sheet having been filed already, we are of the view that immediate custodial interrogation of the petitioner no.2 may not be necessary so long as he is prepared to cooperate with further investigation, if any.

Accordingly, in the event of arrest, the petitioner no.2 shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 petitioner no.2 fails 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.2986 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

