

CRM 3029 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kharagpur Local Police Station Case No.336 of 2019 dated 17-05-2019 under Sections 325/307/506/34 of the Indian Penal Code.

- A n d -

In the matter of : Sk. Khursed Ali

.... Petitioner.

Mr. Somopriyo Chowdhury,
Mr. Dipayan Dan

... For the Petitioner.

Mr. Saswata Gopal Mukherji, learned Public Prosecutor,
Ms. Faria Hossain,
Ms. Baisali Basu

... For the State.

The petitioner renews his prayer for anticipatory bail which was rejected by a coordinate Bench of this Court by an order dated September 03, 2019 passed in CRM 7825 of 2019.

The petitioner says that the earlier rejection of his prayer was on the basis that the victim had suffered grievous injury in the eye. The Charge Sheet had not been filed at that stage. Now, the Charge Sheet has been submitted and the injury report reveals that the injury is of a simple nature concerning the nose of the victim. Due to such change of the circumstances, the petitioner is renewing his prayer for anticipatory bail.

We are told that the dispute related to a landed property. There was a free fight between two groups. The victim got injured.

On an overall assessment of the material on record and the facts and circumstances of the case, we are of the opinion that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Sk. Khursed Ali**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3029 of 2021 is, thus, **allowed**.

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

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)