

59. 24.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3096 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **05/04/2021** in connection with **Hanskhali Police Station Case No. 81/2021** dated **08/02/2021** under Sections **447/325/307/354B/34** of the Indian Penal Code.

And

In the matter of: - **Narayan Roy @ Narayan Chandra Ray & Anr.**

...petitioners.

Mr. S.M. Obaidullah,
Mr. S. Bhattacharjee

...for the petitioners.

Ms. Sukanya Bhattacharya,
Md. Kutub Uddin

...for the State.

The petitioners are two out of several accused persons. They say that the incident was a fallout of land dispute. The petitioners have instituted a prior complaint. The present complaint is a counter-blast.

We have seen the material in the Case Diary including the statements of witnesses and the injury report. The injury is not life threatening or very serious. From the material on record, we *prima facie* find the complicity of the petitioners in the alleged offence to be doubtful.

On an overall consideration of the material on record, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, *viz.*, **1. Narayan Roy @ Narayan Chandra Ray, 2. Sudhir Roy @ Sudhir Kumar Roy** 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.

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. 3096 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.)