

CRM 3507 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No.40 of 2020 dated 07-02-2020 under Sections 341/325/326/307/34 of the Indian Penal Code.

- A n d -

In the matter of : Ajit Sarkar

.... Petitioner.

Mr. Kingsuk Mondal

... For the Petitioner.

Mr. Saibal Bapuli, learned APP,
Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan

... For the State.

The petitioner is one of several accused persons. The allegation is that the victim was assaulted with bamboo stick on the head. The victim succumbed to the injury after about ten days.

The petitioner says that although he might have been present at the place of occurrence, he did not strike any blow on the victim. He further says that Charge Sheet has been submitted and his custodial interrogation is not necessary. He is prepared to cooperate with further investigation, if any.

We have seen the statement of the victim who clearly stated that one, Balaram Roy, hit him on the head with bamboo stick. It, therefore, appears that the petitioner had no direct implication in the fatal injury of the victim.

On an overall assessment of the facts and circumstances of the case and the material on record and the extent of possible complicity of the petitioner in the alleged

offence, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Ajit Sarkar**, 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 3507 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.**)