

04.10.2021
Item no.45
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3571 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 23.04.2021 in connection with Hanskhali Police Station Case No. 74 of 2021 dated 07.02.2021 under Sections 447/427/326/354(B)/379/506/34 of the Indian Penal Code.

And

In the matter of : Tushar Majumder & Others.

.....Petitioners.

Mrs. Juin Dutta Chakraborty, Advocate,
.....for the Petitioners.

Mr. Sudip Ghosh, Advocate,
Mr. Bitasok Banerjee, Advocate,
.....for the State.

The petitioners say that the incident was a fallout of a dispute relating to demarcation of landed property. There was an altercation between the petitioners and the complainant and her associates. In the process the complainant suffered minor injuries.

The State opposes the prayer for anticipatory bail and says that investigation is in progress. Our attention has been drawn to statements of witnesses in the case diary. We have also seen the Injury Report. No significant injury was suffered by the victim.

Considering the nature and gravity of the allegations and the possible extent of complicity of the petitioners in the alleged offence, although charge-sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigation Officer.

Accordingly, in the event of arrest, the petitioners namely **Tushar Majumder, Nitya Bose, Bikash Biswas, Nimai Bose** and **Tanmay Majumder** 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 until further orders and on further condition that the petitioners shall report to the Investigating Officer once every fortnight until completion of investigation.

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 CRM 3571 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.)

