

CRM 3994 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balagarh Police Station** Case No. **120 of 2021** dated **04.05.2021** under Sections **341/325/326/307/379/120B** of the Indian Penal Code and **Sections 25/27** of the Arms Act.

- A n d -

In the matter of : Bachu Nayek

.... Petitioner.

Mr. A. Singh,

... For the Petitioner.

Mr. S. Chakraborty,

... For the State.

The allegations are of causing grievous bodily harm and attempt to murder.

The petitioner says that the incident occurred at a picnic. The petitioner was not present anywhere near the place of occurrence. He had no role to play in the alleged offence. He is fully prepared to cooperate with the investigation.

We have seen the statements of witnesses in the case diary and the injury report. The injury appears to be severe but none of the witnesses implicates the petitioner. Prima facie, there is nothing to show the complicity of the petitioner in the alleged offence.

In view of the aforesaid, we are inclined to allow the petitioner's prayer for anticipatory bail so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Bachu Nayek** 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 and shall report to the Investigating Officer once in a fortnight until further orders.

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 3994 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.)