

CRM 4108 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal Police Station** Case No. **162 of 2021** dated **03.03.2021** under Sections **447/326/307/376/511/34** of the Indian Penal Code.

- A n d -

In the matter of : Mannan Ali @ Abdul Mannan & Ors.

.... Petitioners.

Mr. K. Bagchi,
Mr. D. Ghosh,
Mr. A. Sarkar,

... For the Petitioners.

Mr. P. K. Dutta, Ld. APP
Mr. S. Deb Roy,

... For the State.

The petitioners say that the present complaint is a counter blast. The petitioners have filed a complaint against the present complainant and his family. The dispute is civil in nature concerning land.

We have seen the statement of the injured victim. It *prima facie* appears that the petitioner no. 1 is the main assailant who caused fracture of one of the legs of the complainant.

On an overall assessment of the material on record and the *prima facie* complicity of the petitioner no. 1 in the alleged offence, although charge sheet has been submitted, we are not inclined to allow his prayer for anticipatory bail.

The application for anticipatory bail is dismissed in so far as the petitioner no. 1 is concerned.

In so far as the other petitioners are concerned, we do not find *prima facie* incriminating material against them. In our view, their immediate custodial interrogation is not necessary.

Accordingly, in the event of arrest, the petitioners, namely, **Sanaulla @ Mohd Sanaullah, Samim Ali @ Sk Samim** and **Sabera Bibi** 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.

In the event the petitioners fail 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 4108 of 2021 is, thus, disposed of.

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.**)