

25.08.2021
Item no. 11
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 4319 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 25.06.2021 in connection with Bolpur Police Station Case No. 192 of 2018 dated 08.07.2018 under Sections 325/307/34 of the Indian Penal Code.

And

In the matter of : Jayanta Choudhury @ Jayanta

Chaudhuri & Ors.

..... Petitioners

Mr. Sujoy Sarkar, Advocate,

.....for the Petitioners.

Mr. Tanmay Kr. Ghosh, Ld. Sr. Govt. Advocate,
Mr. Pratick Bose, Advocate,

.....for the State.

Apprehensive of arrest in connection with Bolpur Police Station Case No.192 of 2018, dated July 08, 2018, under Sections 325/307/34 of the Indian Penal Code, 1860, pending before the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum, the petitioners have approached this Court for admitting them on anticipatory bail on any condition on the contention that the petitioner no.1 is aged about 65 years, petitioner no.2 is aged about 64 years and petitioner no.3 is aged about 34 years. He is an employee of

Indian Railways. There is no antecedent against the petitioners. Petitioner no.3 is a cancer patient and has gone operation.

It is pointed out that petitioner no.1 happens to be the brother of the injured. The offence as alleged under Section 325 of the Code is bailable in nature and bearing in mind the nature and gravity of the offence, prima facie, offence alleged does not come within the purview of Section 307 of the Indian Penal Code.

Having heard learned advocates for the parties, in consideration of the case diary and the material placed before this Court, we admit the petitioners' prayer.

Accordingly, in the event of arrest, the petitioners 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 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 4319 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.

(Suvra Ghosh, J.)

(Shivakant Prasad, J.)