

Court No.
28
Item 26
ssi

16.12.
2021

C.R.M. 4887 of 2021

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station case no. 484 of 2021 dated 22.05.2021 under Sections 326/354B/34 of the Indian Penal Code.

In Re: Biplab Majumder & anr.

....petitioners

Mr. Kusal Kumar Mukherjee

....for the petitioners

Mr. Sandip Chakraborty

...for the State

It is submitted on behalf of the petitioners that there was a fight between the groups over plucking of mangoes.

Learned lawyer appearing for the State opposes the prayer for bail.

We have considered the materials on record. Keeping in mind, the statements of witnesses and the prima facie involvement of petitioner no.2 in the alleged assault resulting in fracture of the leg of one of the victims, we are of the opinion this is not a fit case to grant anticipatory bail to the petitioner no.2.

Accordingly, the prayer for anticipatory bail of the petitioner no.2 namely **(2) Bittu Majumder**, is rejected.

However, in view of the extent of complicity of petitioner no.1 in the alleged crime, we are inclined to grant anticipatory bail to him.

Accordingly, we direct that in the event of arrest, the petitioner no.1 namely **(1) Biplab Majumder**, shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

The petitioner no.1 shall appear before the Court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)