

21.12.2021.
07.
as
(Partly
Allowed).

C.R.M. 4915 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sabang P. S. Case No.133 of 2021 dated 03.04.2021 under Sections 341/325/326/307/354/506/34 of the Indian Penal Code.

In the matter of : Jugal Jana & Ors.

... Petitioners.

Mr. Soumyajit Das Mahapatra.

...for the Petitioners.

Mr. Abhra Mukherjee,

Mr. Dipankar Mahata.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case due to political rivalry.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. We note that the petitioner no.1 pushed victim to the ground and other accused persons assaulted him mercilessly resulting in fracture wounds.

In view of the role played by the petitioner no.1 in the assault of the victim, we are not inclined to grant anticipatory bail to the petitioner No.1.

Accordingly, the prayer for anticipatory bail of the petitioner no.1 is rejected.

However, no overt act of assault with weapons is attributed against the petitioner Nos.2, 3, 4 and 5 and in view of extent of their complicity in the alleged crime, we are inclined to grant anticipatory bail to the petitioner Nos.2, 3, 4 and 5.

Accordingly, we direct that in the event of arrest the petitioner Nos.2, 3, 4 and 5 shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner Nos.2, 3, 4 and 5 shall appear before the trial court and pray for regular bail within a period of four weeks from date.

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

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)