

11.11.2021

CRM 5142 of 2021

court no. : 28
Item no. : PB-15
matter : 438
status : ALLOWED
transcriber : nandy

In Re:- An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 03.08.2021 in connection with Barabazar Police Station Case No. 59 of 2021 dated 05.06.2021 under Sections 341/324/325/326/447/506/120B of the Indian Penal Code. (G.R. Case No. 771 of 2021)

and

In the matter of: **Ajit Kumar Mahato @ Ajit Mahato**

.....Petitioner

Mr. Pawan Kumar Gupta, Advocate

Mr. Sougata Mitra, Advocate

Ms. Sofia Nesar, Advocate

Mr. Santanu Set, Advocate

.....for the Petitioner

Mr. S.S. Imam, Advocate

Ms. Sonali Bhar, Advocate

.....for the State

Apprehending arrest in connection with Barabazar Police Station Case No. 59 of 2021 dated 05.06.2021 under Sections 341/324/325/326/447/506/ 120B of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner has been falsely implicated in connection with the aforesaid case on the basis of a complaint filed by the *de facto* complainant over the dispute in respect of a land. It is further submitted that two of the co-accused persons have already been extended the benefit of Section 438 of the Code of Criminal Procedure by the Sessions Judge.

Learned Advocate for the State opposes the prayer for bail and submits that chargesheet has already been filed and the case is otherwise ready.

After hearing the respective Counsel and after perusing the materials-on-record, we do not find the injury to be grievous in nature. Furthermore, chargesheet has already been submitted and no custodial interrogation is necessary. Apart from the same two co-accused persons have already been granted anticipatory bail by the Sessions Judge.

In view of the above, the prayer for anticipatory bail is **allowed.**

Accordingly, in the event of arrest the petitioner namely, **Ajit Kumar Mahato @ Ajit Mahato**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) , with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer, on condition as laid down under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioner shall attend the court case on every date of hearing in default of which the privilege of Section 438 of the Code shall be withdrawn.

The application for anticipatory bail being **CRM 5142 of 2021** is thus **disposed of.**

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

