

16.12.2021

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Allowed

C.R.M. 6228 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 625 of 2021 dated 09.08.2021 under Sections 341/354/506/509/324/326/307/34 of the Indian Penal Code.

And

In Re : Kumod Sarkar & Ors. petitioners

Mr. Sagar Saha

.....for the petitioners

Mr. Prasun Kumar Dutta, leaned APP

Mr. S. D. Roy

....for the State

It is submitted by the learned Counsel appearing for the petitioners there was a fight between neighbours over a boundary dispute. Petitioners have been falsely implicated in the instant case.

Learned Additional Public Prosecutor opposes prayer for anticipatory bail.

We have considered the materials on record including injury report. Whether injury is grievous or not requires to be assessed in the light of the attending facts and circumstances during trial.

However, in the facts and circumstances of the case, we are of the opinion that custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

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

This application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)