

16.12.2021
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Partly allowed

C.R.M. 6294 of 2021
(via video conferencing)

In Re.: An application under Section 438 of the Code of Criminal Procedure in connection with Kushmandi Police Station Case No. 70 of 2021 dated 08.06.2021 under Sections 341/324/326/307/354/34 of the Indian Penal Code.

And

In Re : Golam Yeajdani & Ors. petitioners

Mr. Bitasok Banerjee
... for the petitioners

Mr. Tanmoy Kumar Ghosh
Mr. Arabindo Manna
... for the State

It is submitted by the learned Counsel appearing for the petitioners that there are case and counter case between the parties. Co-accused persons have been granted anticipatory bail.

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

We have considered materials on record. Co-accused persons who were granted anticipatory bail, do not stand on the same footing with the petitioners no. 2 and 3, who were principal assailants.

In view of the primary role played by the petitioners no. 2 and 3 in assaulting the victim who suffered severe injuries and was hospitalised, we are not inclined to grant anticipatory bail to them.

The application for anticipatory bail in so far as petitioners no. 2 and 3 concerned is, thus, rejected.

However, keeping in mind the extent of complicity of the 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 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

Accordingly, application for anticipatory bail is allowed so far as petitioner no. 1 is concerned.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)