

15.11.2021
Sl. No.27
pk
[ALLOWED]

C. R. M. 6795 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pandabeswar Police Station Case No. 100 of 2021 dated 01.08.2021 under Sections 341/323/325/307/506/34 of the Indian Penal Code.

And

In Re: ***Firoj Alam alias Firoz and others***

... .. Petitioners

Mr. Chittapriya Ghosh .. Advocate
... .. for the petitioners

Mr. Sudip Ghosh .. Advocate
Mr. Bitasok Banerjee .. Advocate
... .. for the State

It is submitted on behalf of the petitioners that there is enmity between the parties. The petitioners had earlier lodged a criminal case against the de facto complainant and others. No steps were taken by the police and they were constrained to approach this Court under Article 226 of the Constitution of India. It is further submitted that the incident occurred in the course of a free fight and the petitioners have been falsely implicated due to previous enmity.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that two persons had suffered grievous injuries.

We have considered the materials on record. There is prior enmity between the parties and an earlier case was registered by the petitioners against the de facto complainant and others. We have also considered the nature of injuries suffered by the victims. The victims had not been admitted to hospital. No CT scan report with regard to evidence of internal injury is also placed on record.

In view of the aforesaid facts, we are of the opinion that the custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, 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 condition that the petitioners shall meet the Investigating Officer once in a week until further orders and 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.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)