

10.11.2021

CRM 6912 of 2021

Court No.28
Item No.35
(ALLOWED)

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 08.10.2021 in connection with Islampur Police Station Case No. 636 of 2021 dated 10.09.2021 under Sections 448/323/324/307/354/427/379/34 of the Indian Penal Code (G.R. Case No. 2357 of 2021);

And

In the matter of : **Deep Kumar Singha and others.**

...Petitioners

Mr. Dipankar Guha.

...For the Petitioners.

**Mr. Saswata Gopal Mukherji, Ld. PP.,
Ms. Faria Hossain,
Ms. Sonali Das.**

... For the State.

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Islampur Police Station Case No. 636 of 2021 dated 10.09.2021 under Sections 448/323/324/307/354/427/379/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned Advocate for the petitioners submits that they have been implicated in connection with the aforementioned case as a counter-blast to the complaint lodged by them against the defacto complainant. There was a dispute over the land as both the defacto complainant and the petitioners are the neighbours.

Learned Public Prosecutor opposes the prayer for anticipatory bail. It is submitted that the injury was suffered due to scuffle and relies upon the injury report annexed to the case diary.

After hearing the respective Counsels and on perusal of the materials available in the case diary including the injury report, we do not find that the injury is grievous in nature and, therefore, we do not find any justification in the custodial interrogation of the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also 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 fortnight until further orders.

The application for anticipatory bail being CRM 6912 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Rabindranath Samanta, J.)