

15.11.2021.

Item No. 51

ap
(Allowed)

**C.R.M. 7035 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 27.10.2021 in connection with Malipanch Ghora Police Station Case No. 82 of 2021 dated 23.05.2021 under Sections 341/323/325/326/307/379/34 of the Indian Penal Code.

And

In the matter of: Vivek Roy & Anr.

...Petitioners.

Mr. Mrityunjoy Chatterjee,
Md. Golam Nure Imrohi,
Mr. Srijeet Basu Roy.

...For the petitioners

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose.

....For the State

It is submitted on behalf of the petitioners that there were disputes between the parties. Hence, they have been falsely implicated in this case.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the injury report. We find although the victim was advised to bed rest, the latter had not been hospitalized.

Under such circumstances, whether the injury would constitute grievous injury in the eye of law is a question to be decided in course of trial.

Considering the facts as above and as investigation is complete, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing bond of Rs.10,000/- each, with two sureties of like amount each, to

the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)