

15.11.2021
Sl. No.80
pk
[ALLOWED]

C. R. M. 7113 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Daspur Police Station Case No. 276 of 2021 dated 29.05.2021 under Sections 341/323/324/506/34/307 of the Indian Penal Code.

And

In Re: **Sk. Saiyad Ali @ Saiyad Ali and others**

... .. Petitioners

Mr. Mayukh Mukherjee .. Advocate

... .. for the petitioners

Ms. Sayanti Santra .. Advocate

... .. for the State

It is submitted on behalf of the petitioners that they are not the principal accused and they have been falsely implicated in the instant case. Principal accused is on regular bail.

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

We have considered the allegations in the F.I.R. as well as the statements of the witnesses and the injury report showing that two persons had assaulted the victim.

In view of the aforesaid facts, we are not inclined to grant anticipatory bail to the petitioner no. 1.

However, bearing in mind the extent of complicity of petitioner nos. 2 and 3 in the alleged crime and as the possibility of false implication of women folk due to prior enmity cannot be wholly ruled out, we are inclined to grant anticipatory bail to the petitioner nos. 2 and 3.

Accordingly, we direct that in the event of arrest, the accused/petitioner nos. 2 and 3, 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 they shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, allowed in part.

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

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)