

23.02.2021

Item No.132

Ct.No.28

dc.

Allowed

C.R.M. 9157 of 2020

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Sri Rasu Gorain & Ors.**

... Petitioners.

Mr. Pawan Kumar Gupta,
Mr. Sougata Mitra,
Ms. Sofia Nesar

... For the Petitioners.

Mr. Binay Panda,
Mr. Subham Bhakat

... For the State.

Apprehending arrest in connection with Kotshila P.S. Case No. 67 of 2020 dated 04.10.2020 (G.R. Case No. 1433 of 2020) under Sections 448/341/323/324/326/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in a dispute pertaining to a boundary wall. No overt act has been attributed to the petitioners and in view thereof, custodial interrogation of the petitioners is not warranted.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the injury report.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, 1. **Sri Rasu Gorain**, 2. **Smt. Alomoni Gorain** and 3. **Sri Jhantu Gorain** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, 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, being CRM 9157 of 2020 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)