

07.04.2021.
Item No.35
(Allowed)

ab

C.R.M. 10971 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.12.2020 in connection with Santipur Police Station Case No. 322 of 2020 dated 03.08.2020 under Sections 448/324/436/379/427/34 of the Indian Penal Code;

And

In the matter of : **Mridul Kanti Joyardar and others.**

... petitioners.

Mr. Sumanta Das.

...For the petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...For the State.

Apprehending arrest in connection with Santipur Police Station Case No. 322 of 2020 under Sections 448/324/436/379/427/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The learned Advocate for the petitioners submits that this is the counter blast to the complaint lodged with the local Police Station over the scuffle between the two rival neighbours on construction of a bumper at the adjacent road and the petitioners are apprehending arrest in connection with the complaint lodged by the complainant with the local Police Station.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the statement recorded under Section 161 of the Code of Criminal Procedure of various witnesses discloses the name of the petitioners and, therefore, their complicity to the alleged offence cannot be ruled out at this stage.

We perused the injury report as well as the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure and we do not find that any custodial interrogation of the petitioners is necessary.

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 with the Investigating Officer on every alternative date.

This application for anticipatory bail is, thus, **allowed**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)