

17.03.2021.
Item No.39
(Allowed)

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C.R.M. 11089 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 21.12.2020 in connection with Salar Police Station Case No. 171 of 2020 dated 26.08.2020 under Sections 448/325/326/307/379/34 of the Indian Penal Code;

And

In the matter of : **Subhendu Modak.**

... petitioner.

Mr. Manas Kumar Das.

...For the petitioner.

Mr. S. S. Imam,
Mr. S. Kundu.

...For the State.

Apprehending arrest in connection with Salar Police Station Case No. 171 of 2020 under Sections 448/325/326/307/379/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The learned Advocate for the petitioner submits that there was a dispute between the petitioner and his neighbours, as such he has been implicated in the instant case. He further submits that the investigation of the case has already been concluded and the charge-sheet has been submitted.

The learned Advocate for the State opposes the prayer for anticipatory bail and draws attention of the Court to the medical report.

We have perused the materials on record and the injury report and found that similarly placed accused persons have already granted bail. The investigation having been concluded and the statement of the injured being

recorded, we think that it is a fit case where the petitioner should get privilege of anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

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

This order of anticipatory bail will remain in force for a period of four weeks from date within which the petitioner will appear/surrender before the regular court and pray for bail.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)