

15.03.2021

Court No.02
Item No.139
(ALLOWED)

akd

CRM 11097 of 2020
(Through Video Conference)

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed on 21.12.2020 in connection with Palashipara Police Station Case No. 342/2020, dated 01.12.2020 under Sections 341/325/326/506/34 of the Indian Penal Code.

And

In the matter of : **Bhola Sk. & Anr.**

...Petitioners

Ms. Karabi Roy.

...For the Petitioners

**Mr. Saibal Bapuli,
Ms. Sayanti Santra.**

...For the State.

Apprehending arrest in connection with Palashipara Police Station Case No. 342/2020 under Sections 341/325/326/506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

It is submitted by the learned Advocate appearing for the petitioners that both the complainant and the petitioners suffered an injury over a dispute and they have been chased by the police officers in connection with the aforementioned case. It is further submitted that no action has been taken by the police authorities in this regard.

On the other hand, the learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the injury so suffered by the persons would be evident from the medical report annexed in the case diary.

After hearing the submissions so advanced by the respective parties and perusing the materials available in the case diary, more particularly the medical report where the Doctor opined that the injury is simple in nature, we feel that the custodial interrogation of the petitioners may not be necessary. Therefore, the petitioners are entitled to get the privilege of anticipatory bail.

In the event of arrest the petitioners shall be released on bail on 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 of the concerned police station subject to the condition that the petitioners shall meet the Investigating Officer every week until the charge sheet is submitted by the Investigating Officer. Apart from the same the conditions enshrined under Section 438(2) of the Code of Criminal Procedure shall also be complied with.

The application for anticipatory bail, being CRM 11097 of 2020, is thus **allowed**.

(Harish Tandon, J)

(Abhijit Gangopadhyay, J.)