

15.03.2021.
Item No.140
(Allowed)

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C.R.M. 11102 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Harishchandrapur Police Station Case No. 585 of 2020 dated 29.08.2020 (G.R. Case No. 1802 of 2020) under Sections 341/326/324/308/354/34 of the Indian Penal Code;

And

In the matter of : **Mir Siraj and others.**

... petitioners.

Mrs. Sujata Das.

...For the petitioners.

Mr. Imran Ali,
Mrs. Manasi Roy.

...For the State.

The Advocate-on-Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Harishchandrapur Police Station Case No. 585 of 2020 under Sections 341/326/324/308/354/34 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 for the petitioners that the petitioners have been wrongly implicated in connection with the abovementioned case. It is further submitted that the instant case has been lodged to counter the complaint lodged by the petitioners over the dispute in respect of the joint property. However, it is submitted that the principal accused, namely, Mir Siddique, has already been granted anticipatory bail and the petitioners are, therefore, entitled to privilege of pre-arrest.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the persons suffered grievous injury and the case has started. The investigation is still in progress.

After hearing the respective submissions and on perusal of the materials available from the case diary including the injury report, we do not find that the injury appears to be grievous in nature. We, thus, do not find any justification in arresting the petitioners for custodial interrogation.

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 with further condition that the petitioners, except the petitioner no. 13 and 14, shall meet the investigating officer once in a week and shall not leave the jurisdiction of the concerned police station without obtaining leave from the concerned investigation officer or the Magistrate or the learned Judge, as the case may be, and shall cooperate with the investigation. The petitioner no. 13 and 14 shall also make themselves available as and when called for by the investigating officer.

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

(Harish Tandon, J.)

(Abhijit Gangopadhyay, J.)