

15.03.2021.
Item No.142
(Allowed)

ab

C.R.M. 11111 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 Ratua Police Station Case No. 277 of 2020 dated 15.06.2020 (G.R. Case No. 1394 of 2020) under Sections 341/325/308/34 of the Indian Penal Code;

And

In the matter of : **Taisuruddin @ Md. Taisiruddin
and others.** ... petitioners.

Mr. Kallol Mondal,
Mr. Musharraf Alam Sk.,
Mr. Krishan Ray. ...For the petitioners.

Mr. Prasun Kumar Datta,
Mr. Nirupam Dhali. ...For the State.

Apprehending arrest in connection with Ratua Police Station Case No. 277 of 2020 under Sections 341/325/308/34 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 implicated in the instant case without any complicity to the offence alleged to have been committed. It is further submitted that there was a dispute over the construction of pucca building and the petitioners are shown to have been involved therein.

The learned Advocate for the State opposes the prayer for anticipatory bail and submits that grievous injury was suffered by the victim and the same was corroborated by the independent witnesses, who were present at the spot.

After hearing the respective submissions and on perusal of the materials available from the case diary including the injury report, we find that there was a scuffle

between the rival parties and the injury is sustained, which has been reported to be superficial and not grievous. 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. 3 and 4, shall meet the investigating officer twice 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. 3 and 4 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.)