

12.03.2021
Item no. 95
Ct.04
PG

C.R.M. No.11140 of 2020

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Itahar Police Station Case No. 134 of 2020 dated 29.04.2020 under Sections 448/341/325/326/307/506/34 of the Indian Penal Code.

And

In the matter of:- Ajijul Haque @ Ajijul Rahaman
@ Azezur & Ors.....petitioners

Mr. Kaushik Chaudhury
Mr. Sabyasachi Hazra
Ms. Busra Khatun.....for petitioners

Mr. Abhra Mukherjee
Mr. Goutam Banerjee ..for State

The present application under section 438 of the Code of Criminal Procedure filed at the instance of Ajijul Haque @ Ajijul Rahaman @ Azezur and others is taken up for hearing and order.

It is submitted on behalf of the petitioners that the petitioners have been falsely implicated in this case. There was a free fight between the parties and a counter case is also pending with regard to the self same incident as in this case. Investigation is complete.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and refers to the injury report of the victim as well as statements of witnesses in the case diary.

It appears that injuries sustained by the victim are serious in nature. However, investigation has culminated in submission of

charge sheet and a counter case relating to the same incident is also pending between the parties.

Having considered the materials in the case diary, we are of the opinion that custodial interrogation of the petitioners is not required in the facts of the case.

Accordingly, we direct that in the event of arrest the petitioners shall be released on anticipatory bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand) only each with two sureties of like amount each 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.

The application for anticipatory bail is, accordingly, allowed.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)