

C.R.M. 11178 of 2020

Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Samserganj Police Station Case No. 18/2018 dated 21.01.2018 under section 4147/148/149/427/307 of the IPC and Section 9(b) of I.E. Act.

**In re : Habil Sk @ Md Habil @ Moh Habil Sk & Ors.
... Petitioners.**

Mr. Anisur Rahman ... for the Petitioners.

Mr. S. S. Imam,
Mr. S. Kundu ... for the State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Habil Sk @ Md Habil @ Moh Habil Sk & Ors. is taken up for hearing and order.

It is submitted on behalf of the petitioners that there was a free fight among two groups wherein members of both the groups sustained injuries.

The State refers to the case diary and opposes the prayer for anticipatory bail. The learned counsel appearing for the State submits that there is no injury report in support of the alleged injuries of the victims. Investigation is complete and charge sheet has been submitted.

It appears that some persons sustained injuries in course of a free fight between two groups. Some remnant of explosives was recovered from the place of occurrence but case dairy does not attribute such recovery to any of the petitioners. There is nothing to

suggest any specific overt act by the petitioners or any of them in the alleged offence. Material available in the case diary does not justify detention of the petitioners for the purpose of investigation.

Accordingly, we direct that in 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.)