

CRM 6 of 2021
(Through Video Conference)

Bishnu Roy @ Subho Petitioner
Vs.
The State of West Bengal ... Respondent

Mr. Hillol Saha Podder, Advocate
...for the Petitioner. Present in Court.

Mr. Ujjwal Lutsom with
Mr. Tapan Bhattacharjee, Advocates
...for the State. Present in Court.

The present application has been filed for grant of pre-arrest bail of the petitioner who has named in FIR in connection with Naxalbari P.S. Case No.179 of 2020 dated 10.08.2020 registered under Sections 448/307/324/354/34 of the Indian Penal Code. The case was registered on a complaint made by Sunita Kheri, wife of Paitu Kheri, naming six accused. It was alleged that they entered her house at 9.30 pm on 08.8.2020 and assaulted her and her husband and also inflicted injuries to them.

The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the case. There is no previous enmity alleged. Though the complainant is injured person but she has not mentioned the role of any of the accused specifically in the complaint as to who had inflicted injury on her and her husband. FIR was registered on 10.8.2020. Three of the accused were arrested. Charge-sheet has already been filed in court after completion of investigation and the trial is pending.

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On the other hand, the learned counsel for the State submitted that it is a case where the accused had forcibly entered into the house of the complainant and inflicted serious injuries on her and her husband with sharp weapon. She was also physically assaulted. The petitioner is absconding ever since FIR was filed. It is not a case where pre-arrest bail should be granted.

After hearing learned counsel for the parties and considering the fact that there is no specific allegations against any of the accused in the complaint made by the complainant who herself was assaulted and whose husband has allegedly been injured with sharp weapon and further that three of the accused have already been released on regular bail after their arrest, we find the case is made out for grant of pre-arrest bail.

Accordingly, in case of arrest, the petitioner shall be released on bail bonds subject to fulfillment of the condition of the arresting officer. In addition, the petitioner will abide by the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 6 of 2021 is disposed of.

(Rajesh Bindal, J.)

(Saugata Bhattacharyya, J.)