

28.01.2021
Sl. No.9
AP/ss

CRM 101 of 2021
(Through Video Conference)

Md. Salman & Anr.

... Petitioners.

Vs.

The State of West Bengal

... Respondent.

Mr. Debojit Kundu, Advocate

...for the petitioners present in Court.

M/s. Kallol Acharjee and
Aniruddha Biswas, Advocates

...for the respondent present in Court.

The present application has been filed by the petitioners seeking pre arrest bail in Siliguri Police Station Case No.1025 of 2020 dated 06.08.2020 registered under Sections 186/353/332/333/506/34 of the Indian Penal Code.

The learned counsel for the petitioners submitted that FIR was registered with false allegations. There are only omnibus allegations that the accused named in the FIR had attacked the police personnel on duty. Even as per the medical report, no grievous injury had been suffered by the complainant. There are no specific allegations against the petitioners that they had attacked the police personnel. One of the co-accused Md. Raja @ Raju was arrested and has been released on bail. Md. Juhi has been granted pre arrest bail vide order dated December 17, 2020 passed by this Court in CRM 9341 of 2020.

On the other hand, learned counsel for the respondent submitted that the police party was on duty. They noticed that DJ was being played late at night at high volume. When they went to the

spot to stop the same, accused named in the FIR attacked the complainant, who was injured. Police personnel were prevented from discharging their official duties. Hence, the petitioners do not deserve pre-arrest bail.

After hearing the learned counsels for the parties and considering the fact that there are no specific allegations against the petitioners that they had attacked the complainant and further from the medical report it is evident that the complainant had suffered minor injuries which are abrasions. Considering the aforesaid factual matrix, we find it to be a fit case for grant of pre arrest bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing of bail bonds to the satisfaction of the arresting officer. The petitioners shall be bound by the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The present petition is disposed of accordingly.

(Rajesh Bindal, J.)

(Saugata Bhattacharyya, J.)