

16.
13-08-2021
(ct. no.32)
KOLE
Allowed

In the Circuit Bench At Jalpaiguri
(Via Video Conference)
CRM 795 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dinhata Police Station** Case No. **214 of 2021** dated **01.05.2021** under Section **307** of the Indian Penal Code read with Sections 25(1-A)/27 of the Arms Act.

- A n d -

In the matter of : Abual Ajad.

.... Petitioner.

Mr. Kollol Mondal,
Mr. A. Ghosh,
Mr. Sudip Guha

... For the Petitioner.

Mr. Sourav Ganguly,
Mr. A. S. Chakraborty,

... For the State.

The petitioner is one out of the eleven accused persons. The allegation is that the brother of the defacto complainant was in his house. The petitioner and the other accused persons went and surrounded the house, beat up the victim and also opened fire at him. The victim suffered injury. The petitioner says that the incident was an out-fall of political group rivalry.

Learned Advocate for the State draws our attention to the material in the case diary including injury report. We have seen the statements of witnesses recorded under Section 161 of the Code including the victim's statement. There is no specific allegation against this petitioner that he opened fire or that there was recovery of any firearm or any weapon from him. The allegations are omnibus in nature.

In view of the aforesaid, although investigation is in progress and charge sheet is yet to be filed, we are of the view that the petitioner's prayer for anticipatory bail may be granted provided he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure and shall meet the Investigating Officer once in a fortnight until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 795 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)