

01.09.2021
Item no.21.
Court No.32.
AB
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

(Via Video Conference)

CRM No. 826 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No.268 of 2021 Dated 20.05.2021 under Sections 448/341/325/307/34 of the Indian Penal Code

And

In the matter of : Ranjan Mandal & Others

.....Petitioners.

Mr. Debajit Kundufor the Petitioners.

Mr. Biswarup Royfor the State.

The allegation is that the petitioners assaulted the victims causing grievous bodily harm.

The petitioners say that the petitioners and the victims are family members and reside in the same village. There was a dispute in relation to a property. This led to a scuffle between the petitioners and the victims. In the process, the victims suffered injury.

We have seen the material in the case diary. We have considered the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. On an overall assessment of the material on record and seeing that this is a

case of property dispute amongst the family members and on an assessment of the gravity of the alleged offence and the possible extent of complicity of the petitioners therein, although charge sheet is yet to be filed, we are of the view that the petitioners may be granted anticipatory bail so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 until further orders and on further condition that the petitioner nos.1, 3, 4, 5 and 6 shall report to the Investigating Officer of the case until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.826 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

