

15.
18-08-2021
(ct. no.32)
KOLE
Allowed

In the Circuit Bench At Jalpaiguri
(Via Video Conference)
CRM 844 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Phansidewa Police Station** Case No. **284 of 2021** dated **25.06.2021** under Sections **341/323/354/34** of the Indian Penal Code.

- A n d -

In the matter of : Md. Akhtar Ali @ Akhtar Ali

.... Petitioner.

Mr. S. Kumar Das,

... For the Petitioner.

Mr. Arun Sarkar,
Mr. Aditi Roy,
Mr. B. Roy

... For the State.

It is submitted on behalf of the petitioner that the complaint is an out-fall of a previous dispute between the parties and a counter case lodged by the petitioner and others against the defacto complainant and his associates is pending. The present complaint is a counter blast.

The State opposes the prayer for anticipatory bail and refers to statements of witnesses recorded under Section 161 of the Code. The State also submits that the injury report does not reflect any significant injury.

We have perused the material in the case diary. A case and a counter case are pending by and between the parties. Having considered the nature of allegations against the petitioner and the extent of his involvement in the alleged

offence, we are inclined to hold that immediate custodial interrogation of the petitioner may not be necessary so long as 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 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 844 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.)