

01.09.2021
Item no.24.
Court No.32.
AB
**(Partly
Allowed)**

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

(Via Video Conference)

CRM No. 861 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Mekliganj Police Station Case No.195 of 2021 Dated 28.06.2021 under Sections 448/323/326/379/34 of the Indian Penal Code

And

In the matter of : Malay Basak @ Raja Basak & Others

.....Petitioners.

Mr. Kumar Shantanufor the Petitioners.

Mr. K. Acharjee,
Mr. Saikat Chatterjeefor the State.

The petitioners say that they have no involvement in the alleged offence. Their neighbours were fighting between themselves. The petitioners went to stop such fight. In the process, they got involved. They had no intention of committing any crime.

We have seen the injury report of the victim. The victim suffered fracture of leg. In the injury report, the name of the petitioner no.5 transpires as being one of the persons, who assaulted the victim with hockey stick. There is no statement of the injured person, which is on record.

On an overall assessment of the material on record and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that the prayer of the petitioner no.5 cannot be allowed.

The application is dismissed as far as the petitioner no.5 is concerned.

Insofar as the petitioner nos.1 to 4 are concerned, prima facie, we do not find their involvement in the alleged offence. We are inclined to allow their prayer for anticipatory bail so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner nos.1 to 4 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.

In case the petitioner nos.1 to 4 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.861 of 2021 is, thus, partly 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.)

