

32.
13-09-2021
(ct. no.32)
KOLE
Allowed

In The Circuit Bench At Jalpaiguri
CRM 901 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Banarhat Police Station** Case No. **125 of 2021** dated **12.04.2021** under Sections **341/324/427/436/511/34** of the Indian Penal Code.

- A n d -

In the matter of : Golab Hossain @ Golap Hossain & Anr.

.... Petitioners.

Mr. J. Rudra,

... For the Petitioners.

Mr. T. Bhattacharyaa,

Mr. N. Das,

... For the State.

The petitioners say that the incident was a fall-out of a land dispute between neighbours. The husband of the *defacto complainant* trespassed into the land of the petitioners and destroyed valuable plants and sprayed poison. This led to an altercation which caused minor injury to the complainant's husband.

We have seen the injury report. The injury is simple in nature. There are also statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. On an overall assessment of the material on record it *prima facie* appears that the incident was a result of land dispute between the parties. Although charge sheet is yet to be submitted, considering the gravity and nature of the alleged offence, we are of the view that immediate custodial

interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Golab Hossain @ Golap Hossain** and **Nur Alam @ Noor Alam**, 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 the event the petitioners fail 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 901 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.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**