

07.01.2022
Sl. No.12
akd
[PARTLY
ALLOWED]

C. R. M. (A) 35 of 2022

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 03.01.2022 in connection with Andal Police Station Case No. 299 of 2021 dated 21.10.2021 under Sections 341/323/325/307/506/354/34 of the Indian Penal Code.

And

In Re: ***Vivekananda Lal & Ors.***

... .. Petitioners

Mr. Sourjya Das

... .. for the petitioners

Mr. S. S. Imam

Mr. Arabinda Manna

... .. for the State

It is submitted on behalf of the petitioners that there was a civil dispute and they have been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the injury report which disclose a grievous injury on the victim. Keeping in mind the fact that petitioner nos.2 & 3 are named in the injury report along with one Natasha as the assailants, we are not inclined to grant anticipatory bail to them.

Accordingly, the prayer for anticipatory bail of the accused/petitioner nos.2 & 3 namely, ***(2) Amit Kumar Lal & (3) Govind Kumar Sinha*** is rejected.

However, keeping in mind the extent of complicity of the petitioner no.1 in the alleged crime, we are inclined in granting anticipatory bail to him.

Accordingly, we direct that in the event of arrest, the accused/petitioner no.1 namely ***(1) Vivekananda Lal***, be released on

bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that petitioner no.1 shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)