

16.02.2022

Serial no. 08

Dd

CRM(A) 644 of 2022

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **112** of **2021** dated **27.01.2021** under Sections **341/323/354/315/34 & 307** of the Indian Penal Code arising out of G.R. No. **465** of **2021**.

-And-

In the matter of : **Amitava Roy**

... **Petitioner**

Mr. Tapan Dutta Gupta,
Mr. Kalyan Kr. Chakraborty,
Mr. Kasinath Bhattacharya,
Mr. Somnath Bhattacharyee,
Mr. Ashok Halder,
Ms. Anjana Meheboob, Advocates
... ... For the Petitioner

Md. Anwar Hossain,
Mr. Sreyashee Biswas, Advocates
... ...For the State

Mr. Bileaswan Bhattacharya, Advocate
.. ...For the de facto complainant

Leave is granted to the learned advocate for the petitioner to correct the cause title of the petition.

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. There was an altercation with regard to parking of a vehicle which led to the incident.

State and the de facto complainant are represented.

Learned advocate appearing for the State refers to the injury report and the statements recorded under Section 161 of the Code of Criminal Procedure.

Learned advocate appearing for the de facto complainant submits that by reason of the assault the sister of the de facto complainant gave birth to a premature baby.

Considering the materials in the case diary including the medical report of the sister of the de facto complainant and the discharge certificate of her and considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that police filed charge sheet, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioner shall appear before the jurisdictional Court on every date fixed for hearing.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM(A) 644 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

