

06.06.2022.
71.

(S. Banerjee)

(Partly Allowed)

C.R.M.(A) 2309 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.05.2022 in connection with English Bazar P. S. Case No.417 of 2022 dated 16.03.2022 under Sections 341/325/326/34 of the Indian Penal Code.

In the matter of : Mansur Sk. @ Munsur Sk. & Anr.
... Petitioners.

Md. Sabir Ahmed
Md. Kutubuddin
Mr. T. Ahmed

...for the Petitioners.

Ms. Faria Hossain
Ms. Baisali Basu

.....for the State.

Mr. Zuber Ahmed
Mr. Biswajit Tiwari

...for the de facto complainant

Heard the learned Advocates appearing for the parties.

Learned lawyer for the petitioner submits a dispute arose amongst neighbors and they have been falsely implicated in the instant case.

Learned advocate for the State opposes the prayer for anticipatory bail and submits that the petitioner assaulted the victim who suffered grievous injuries as well as fracture.

Keeping in mind the prima facie role of petitioner no. 2 in assaulting the victim with a *Shabol* on his face resulting in grievous injury, we are not inclined to grant anticipatory bail to the petitioner no. 2.

However, possibility of false implication for the petitioner no. 1 as a family member of the co-accused in subsequent statements of witnesses cannot be ruled out.

Hence, we are inclined to grant anticipatory bail to the petitioner no. 1.

Accordingly, we direct that in the event of arrest the petitioner No. 1 shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no. 1 shall appear before the trial court and pray for regular bail within four weeks from date.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)