

08.06.2022

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Allowed

C.R.M.(A) 2391 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Paikar Police Station Case No. 68 of 2022 dated 01.03.2022 under Sections 341/323/325/326/307/354/34 of the Indian Penal Code.

And

In Re : Sarbeswar Bhuimali @ Bhinmali @ Sabbeswar Bhuimali petitioner

Mr. Jahangir Hossain

Mr. S. Chakraborty

.....for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

....for the State

It is submitted by the learned Counsel appearing for the petitioner that there is considerable delay in lodging F.I.R. and he has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail and submits that three persons were injured and one was hospitalised.

We have considered the materials on record including injury report. Nature of injuries as noted in the injury report do not appear to be grievous. Hospitalisation was also for four days and does come within the ambit of Section 320 of the Indian Penal Code.

In view of the aforesaid facts and the attending circumstance relating to delay in lodging F.I.R., 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/-, 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 condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

C.R.M. 11960 of 2017

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.

And

In Re : Aslam Ali Sk. @ Aslam Sk. petitioner

Mr. Kallol Mondal,
Ms. Amrita Chel

.....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

(Joymalya Bagchi, J.)

