

05.08.2022
Serial no.36
Aloke

CRM (A) 3772 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 503 of 2022 dated 21.05.2022 under Sections 307/326/34 of the Indian Penal Code.

-And-

In the matter of : **Paritosh Roy & Anr.**

... .. Petitioners

Ms. Karabi Roy, Advocate

... .. For the Petitioners

Mr. Shiladitya Banerjee, Advocate

... ...For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the incident arose out of disputes regarding fetching of water.

Learned Advocate appearing for the State submits that two persons suffered stab injuries. He draws the attention to the fact that the second petitioner stabbed one of injured. The first petitioner was present at the spot.

Apparently, from the statement recorded under Section 164 of the Code of Criminal Procedure, it appears that second petitioner stabbed one of the injured. The first petitioner was present at the locale.

In such circumstances, we are inclined to grant anticipatory bail to the first petitioner (Paritosh Roy).

So far as the second petitioner (Netai Mondal) is concerned, we are unable to grant anticipatory bail to him.

Accordingly, we direct that in the event of arrest the first petitioner (Paritosh Roy) 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 condition that the first petitioner (Paritosh Roy)

shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the first petitioner (Paritosh Roy) shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the first petitioner (Paritosh Roy) is allowed.

Prayer for anticipatory bail of the second petitioner (Netai Mondal) is rejected.

CRM (A) 3772 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)