

20.10.2022

48

NB/AGM

(Allow)

CRM (DB) 3560 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Harischandrapur P.S. Case No. 466 of 2022 dated 11.06.2022 under Sections 341/ 342/ 186/ 333/ 353/307/427/ 506/34 of the Indian Penal Code.

In the matter of : Abdul Hadi & Anr. ... petitioners.

Mr. Rana Mukherjee. ...for the petitioners.

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Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose. ..for the State.

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The petitioners were apprehended in connection with Harischandrapur P.S. Case No. 466 of 2022 dated 11th June, 2022 under Sections 341/342/186/333/ 353/307/427/ 506/34 of the Indian Penal Code read with Section 3 of the Prevention of Damages of Public Property Act.

The petitioners are in custody for about 80 days. Prosecution case reveals that on 11th June, 2022 that police attached to Harischandrapur Police Station went to a village within the jurisdiction of such police station to apprehend an accused against whom warrant of arrest was pending. Seeing the police vehicle, the villagers started shouting "Chor Chor". Thereafter, the police personnel were assaulted by the villagers and the departmental vehicle was damaged.

On perusal of the case diary carefully, we do not find any prima facie material under Section 307 of the Indian Penal Code against the petitioners. If there is no prima facie ingredient under Section 307 of the Indian Penal Code, the Investigating Officer was under obligation to file charge sheet concluding the investigation within 60 days from the date of institution of the FIR case.

Till date, charge sheet has not been submitted. Therefore, the petitioners are entitled to release on bail.

Accordingly, we direct that the petitioners may find bail upon furnishing a bond of Rs.10,000/- with one surety of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda on further condition that if on bail, they will appear in the Trial Court once in a fortnight.

The instant application for bail being, CRM (DB) 3560 of 2022, is thus allowed.

(Bibek Chaudhuri, J.)

(Biswaroop Chowdhury, J.)