

31.07.2023
Supp. Sl. No.3
akd
[ALLOWED]

C. R. M. (A) 3053 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.07.2023 in connection with Salboni Police Station Case No. 128 of 2023 dated 09.05.2023 under Sections 188/341/325/307 of the Indian Penal Code.

And

In Re: ***Amiya Kumar Ta***

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha

... .. for the petitioner

Mr. Saswata Gopal Mukherji
Mr. Parthapratim Das
Ms. Eshita Dutta

... .. for the State

It is submitted on behalf of the petitioner that a civil dispute is pending between the parties. Though petitioner was protected by an order of injunction, in violation of the order of injunction, the de-facto complainant and his party trespassed into the property. A skirmish ensued. Victim suffered injuries in course of the skirmish. Co-accused have been granted pre-arrest bail. Accordingly, he prays for anticipatory bail.

Learned Advocate for the State opposes the prayer for anticipatory bail and submits victim suffered dislocation of humeral head.

We have considered the materials on record. A civil dispute is pending between the parties. Petitioner is protected by an order of injunction. Keeping in mind the aforesaid facts and as co-accused have been granted pre-arrest bail, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Amiya Kumar Ta***, 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 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 four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)