

17.08.2023
Sl. No.08(S/L)
[ALLOWED]
as

C. R. M. (A) 3211 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tamluk Police Station Case No. 0670 of 2023 dated 19.06.2023 under Sections 341/323/325/308/506/354/379/34 of the Indian Penal Code.

In Re: ***Sujay Kar & Ors.***

... .. Petitioners

Mr. PrabirKr. Mitra,
Mr. Pinak Kr. Mitra,
Ms. Ariba Shahab.

... .. for the petitioners

Mr. Arijit Ganguly,
Mr. Avik Ghatak.

... .. for the State

1. Petitioners submit there was a dispute amongst family members. Number of cases are pending. They have been falsely implicated. They pray for bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail. He submits petitioners have preferred application before the Sessions Judge.
3. In response, learned Advocate for the petitioners undertakes to withdraw the said application.
4. In view of the undertaking, the application for anticipatory bail is taken up for hearing on merits.
5. We have considered the materials on record as well as the injury report. Injuries appear to be superficial. Victim was hospitalised for a single day.
6. Under such circumstances and as possibility of false implication due to prior enmity cannot be ruled, we are inclined to grant anticipatory bail to the petitioners.

7. Accordingly, we direct that in the event of arrest, the petitioners viz., **1) Sujay Kar, 2) Chandan Bhowmik, 3) Susmita Kar, 4) Jharnna Manna and 5) Utpal Bhowmik** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 they shall appear before the court below and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)