

16.08.2023
Supp. Sl. No.12
akd
[ALLOWED]

C. R. M. (A) 3389 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 01.08.2023 in connection with Raninagar Police Station Case No. 324 of 2023 dated 25.06.2023 under Sections 341/326/307/506/34 of the Indian Penal Code read with Section 9B of the Indian Explosive Act.

And

In Re: ***Kuddus Ali @ Md. Kuddus Ali***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Manas Das
Mr. Debapriya Majumder

... .. for the petitioner

Mr. Swapan Banerjee
Mrs. Purnima Ghosh

... .. for the State

1. It is submitted on behalf of the petitioner that there was a free fight between the parties. Case and counter-case were registered. Petitioner has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits one of the injured persons has named the petitioner.
3. We have considered the materials on record. Injury report does not specifically name the petitioner as the assailant. Statement of the injured with regard to involvement of the petitioner is general and omnibus. There are case and counter-case between the parties. Possibility of false implication cannot be wholly ruled out. Under such circumstances, 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.

4. Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Kuddus Ali @ Md. Kuddus Ali***, 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.
5. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)