

02.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1055 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Techno City Police Station Case No. 41 of 2024 dated 12.03.2024 under Sections 341/325/308/506 and 34 of the Indian Penal Code, 1860 pending before the Court of the learned Chief Judicial Magistrate, at Barasat, North 24 Parganas.

And

In Re : Anirban Biswas & Anr. petitioners

Mr. Arnab Das

Mr. Ayan Bhattacharya

Ms. Akansha Yadav

Ms. Syeda Romana Sultan

.....for the petitioners

Mr. Saibal Bapuli

Sk. Arif Hossain

....for the State

1. Petitioners contend a Security Guard had mercilessly beaten a street dog. Petitioners protested to such inhuman act and a scuffle ensued. Petitioners have been falsely implicated. They pray for anticipatory bail.
2. Learned Lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. It appears the incident occurred due to grave and sudden provocation. Petitioners acted without premeditation and the injuries are simple.
4. Under such circumstances, we are of the opinion that the petitioners may be granted anticipatory bail.

5. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 they shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.
6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)