

26.08.2021
Court No.28
Item No. 299
(allowed)

Saswata
(Assistant
Registrar)(Court)

(Via Video Conference)

CRM 2446 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Hanskhali Police Station Case No. 8 of 2021 dated 06.01.2021 under Sections 448/323/326/506/34 of the Indian Penal Code;

And

In the matter of : **Dulal Mandal**

...Petitioner

Ms. Juin Dutta Chakraborty

...For the Petitioner

Mr. Rana Mukherjee
Mr. Shiladitya Banerjee

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Hanskhali Police Station Case No. 8 of 2021 under Sections 448/323/326/506/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Having heard the learned Counsels for the petitioner and the State and on careful perusal of the case diary, it appears that a scuffle took place between the family members over which the victim got serious injuries. However, on perusal of the injury report, it appears that the injuries are simple in nature and, accordingly, the petitioner is entitled to the benefit of Section of 438 of the Code of Criminal Procedure.

The prayer for anticipatory bail is thus **allowed**.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of ₹10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

The application for anticipatory bail being CRM 2446 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)