

20.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1773 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **233** of **2022** dated **31.03.2022** under Sections 447/323/325/326/427/307/506 of the Indian Penal Code, 1860.

And

In Re : Sukumar Biswas & Anr.

..... petitioners

Ms. Minoti Gomes

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioners

Mr. Binoy Panda

Mr. Subham Bhakat

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the dispute arose with regard to plucking of a jack fruit from the tree.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the injury report of the victim.

It appears that the First Information Report was lodged on March 31, 2022 in respect of an incident of March 22, 2022. The injury report is dated March 3, 2022.

Considering the date of the injury report and considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary and considering the delay in lodgment of the FIR, we grant anticipatory bail to the petitioners.

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 further condition that the petitioner no. 1 (Sukumar Biswas) shall meet the Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 2 (Gopa Biswas) shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

