

22.06.2022

19

Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 2892 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jhargram** Police Station Case No. **135** of **2022** dated **04.05.2022** under Sections 341/323/325/326/308/427/506/34 of the Indian Penal Code, 1860.

And

In Re : Sachin Mahakud & Ors.

..... petitioners

Mr. Ritam Chowdhury

Ms. Sudipta Pramanik

....for the petitioners

Mr. Swapan Banerjee

Mr. Suman De

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the incident arose out of a property dispute.

Learned advocate appearing for the State submits that, the victim suffered fracture injury. He refers to the case diary.

Considering the statement recorded under Section 161 of the Code of Criminal Procedure and the injury report of the victim, we are unable to grant anticipatory bail to the petitioner nos. 1 (Sachin Mahakud), 3 (Paltu Mahakud), 4 (Madhu Mahakud) and 5 (Bijnandan Mahakud).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner nos. 1, 3, 4 and 5 is concerned.

However, we grant anticipatory bail to the petitioner no. 2 (Swarup Mahakud).

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

