

July 25, 2022
(33) ARDR
Allowed

CRM (A) 3504 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Daspur** Police Station Case No. **255** dated **23/6/2022** under Sections **341/323/325/307/354/506/34** of the Indian Penal Code.

And

In the matter of: **Bivu Pal @ Bivu Paul,**

....petitioner.

Mr. Navanil De,
Mr. Srijan Ghosh,
Mr. Subhrajit Dey

...for the petitioner.

Mr. S.S. Imam,
Mr. S. Kundu,

...for the State.

Petitioner prays for anticipatory bail.

Learned counsel for the petitioner submits that there is a counter police complaint in respect of the same incident that was lodged by the petitioner prior in point of time.

Learned counsel for the State draws the attention of this Court to the injury report of the victim and the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

The injury report of the victim does not state that there is any external injury on the victim.

The wife of the victim in her statement under Section 164 of the Criminal Procedure Code claims that the victim was assaulted with iron rod.

The assault by iron rod is not corroborated by the medical evidence on record.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear on every date 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3504 of 2022 is thus, **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)