

01.08.2022
Serial no. 33
[Dd]
(Anticipatory Bail)
(**Partly Allowed**)

CRM (A) 3656 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tarapith** Police Station Case No. **53** of **2022** dated **11.07.2022** under Sections **143/323/326/308/354B/506** of the Indian Penal Code.

-And-

In the matter of : **Asit Mal & Ors.**

... .. Petitioners

Mr. Angsuman Chakraborty,
Mr. Shashanka Shekhar Saha, Advocates
... .. For the Petitioners

Ms. Faria Hossain,
Ms. Mamata Jana, Advocate
... ..For the State

Petitioners prays for anticipatory bail.

Learned advocate appearing for the petitioners submits that the incident arose out of a duckling entering into the property.

Learned advocate appearing for the State draws the attention of the Court to the injury report of the victim and the statement of the victim recorded under Section 161 of the Criminal Procedure Code.

Apparently, it is claimed in the statement recorded under Section 161 of the Criminal Procedure Code that, the first petitioner dealt the blow on the victim by reason of which the victim was admitted in the hospital for a day.

In such circumstances, we are unable to grant anticipatory bail to the first petitioner (Asit Mal).

So far as the other petitioners, i.e., petitioner no. 2 (Nishikanta Mal), petitioner no. 3 (Sujit Mal), petitioner no. 4 (Rupali Mal), petitioner no. 5 (Tumpa Mal), petitioner no. 6 (Rumpa Mal), petitioner no. 7 (Nayan Mal) and petitioner no. 8 (Sudip Mal) are concerned, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest the petitioner no. 2 (Nishikanta Mal), petitioner no. 3 (Sujit Mal), petitioner no. 4 (Rupali Mal), petitioner no. 5 (Tumpa Mal), petitioner no. 6 (Rumpa Mal), petitioner no. 7 (Nayan Mal) and petitioner no. 8 (Sudip Mal) shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 nos. 2, 3, 7 and 8 shall report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner nos. 4, 5 and 6 shall cooperate with the investigation till its completion and on further condition that the petitioner no. 2 to 8 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 no. 2 to 8 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **partly allowed**.

CRM (A) 3656 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

