

25.08.2022

15

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4039 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **617** of **2022** dated **15.06.2022** under Sections 341/323/325/326/307/34 of the Indian Penal Code, 1860.

And

In Re : Motiur Sk @ Matiur Rahaman

..... petitioner

Mr. Soupal Chatterjee

Ms. Sucheta Banerjee

....for the petitioner

Mr. S.S. Imam

Mr. R. Jana

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, there was a free fight in the locality. There is a counter police complaint also.

Learned advocate appearing for the State submits that, the victim suffered grievous hurt. He refers to the injury report of the victim and the statement recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

In the injury report of the victim dated June 15, 2022, the victim claims that he was assaulted by three persons. The petitioner is not one of them. However, in the statement of the injured recorded on August 4, 2022, the injured suggest that

the petitioner was involved in the assault. Co-accuseds arrested were granted bail by the Jurisdictional Court.

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/-, 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 a fortnight till the conclusion of the investigation 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

