

29.08.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 4103 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **269** of **2022** dated **26.06.2022** under Sections 341/325/308/379/34 of the Indian Penal Code, 1860.
And

In Re : Rajesh Tudu & Anr.

..... petitioners

Mr. Kushal Kumar Mukherjee

....for the petitioners

Mr. Navanil De

....for the State

The first petitioner stands implicated in the statement of the witness recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.) in respect of an incident involving grievous hurt to the victim.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 1 (Rajesh Tudu).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 1 is concerned.

So far as the second petitioner is concerned, considering the materials in the case diary and the involvement of the petitioner in the incident, we grant anticipatory bail to the petitioner no. 2 (Suranjan Pramanik).

Accordingly, we direct that in the event of arrest the petitioner no. 2 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 no. 2 shall meet the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner no. 2 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 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.)