

12.10.2022.
34.
AGM/AN
(Partly Allowed).

C.R.M. (A) 4865 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Dhubulia P. S. Case No. 338 of 2022 dated 28.08.2022 under Sections 341/325/326/506/34 of the Indian Penal Code.

In the matter of : Entazul Gain @ Entazul Shaikh & Anr
... Petitioners.

Mr. Sumanta Das,
...for the Petitioners.

Mr. Joydeep Roy,
Ms. Sujata Das,
.....for the State.

Petitioners submit that there was a free fight and case and counter case were registered over the incident. The associates of the petitioners were also injured. Hence, petitioners pray for anticipatory bail.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record and the injury report. From the injury report it appears that the petitioner no. 1 is the principal accused, who assaulted the victim with a Ramda.

In view of the aforesaid incriminating material against petitioner no. 2, we are inclined to grant anticipatory bail to him. However, keeping in mind the extent of complicity of the

petitioner No. 2 in the crime, we are inclined to grant anticipatory bail to him.

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 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 appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)