

C.R.M. (A) 4980 of 2022

18.10.2022
Sl. 6
Court No.29
Sourav/
Suvayan
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chakdah** Police Station Case No. **295** of **2022** dated **08.05.2022** under Sections **326/307/34** of the Indian Penal Code.

And

In the matter of: **Nabajiban Biswas @ Ratan**

....petitioner.

Ms. Rupsa Sreemani

...for the petitioner.

Mr. B. K. Roy

Ms. Purnima Ghosh

...for the State.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the injured recorded under Section 161 of the Criminal Procedure Code and his medical examination report.

In his statement recorded under Section 161 of the Criminal Procedure code, the injured claims that he was shot and he suffered injury due to bullet fired at hand.

Learned advocate appearing for the State does not draw the attention of the Court to any materials in the case diary that the bullet was recovered from the body of the injured or from the place where the incident occurred. Apparently, the incident occurred at a place belonging to the injured.

In such circumstances, we grant anticipatory bail to 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 will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner shall appear every day 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) 4980 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)

