

CRM (A) 5126 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Asansol North Police Station Case No. 440 of 2022 dated 07.10.2022 under Sections 323/325/341/307/379/34 of the Indian Penal Code.

-And-

In the matter of : **Rakesh Prasad**

... ... Petitioner

Mr. Prabir Kr. Mitra, Advocate

Ms. Ariba Shahas, Advocate

Mr. Y. Shaw, Advocate

... ... For the Petitioner

Ms. Faria Hossain, Advocate

Ms. Baisali Basu, Advocate

Ms. Mamata Jana, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Apparently, the de facto complainant entered into the bar-cum-restaurant of the petitioner and created a situation whereupon a free fight took place. The petitioner relies upon closed circuit television footage in support of such claim.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the injury report of the brother of the de facto complainant and another person.

As noted above, apparently, a free fight broke out between the petitioner and the de facto complainant and brother of the de facto complainant creating a situation in the bar-cum-restaurant of the petitioner.

In such circumstances, we are inclined to 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/- (Rupees Ten Thousand Only), 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 condition that the petitioner shall meet the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 5126 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)