

24.11.2022

22
Ct. No. 29
KAUSHIK
Partly
Allowed

C.R.M.(A) 5419 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **841** of **2022** dated **29.06.2022** under Sections 341/323/307/34 of the Indian Penal Code, 1860.

And

In Re : Shri Gobinda Chandra Das @ Gobinda Das & Anr.
..... petitioners

Mr. Golam Mostafa
Mr. Samirul Sardar
....for the petitioners

Ms. Faria Hossain
Ms. Baisali Basu
Ms. Mamata Jana
....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the incident arose out of family disputes.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the injury report of the injured and the statement of the injured recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

The injured suffered grievous hurt. The injured implicates the first petitioner (Shri Gobinda Chandra Das @ Gobinda Das) in the assault. Apparently, from such statement,

it appears that, the first petitioner assaulted the injured with a sharp cutting weapon. In such circumstances, we are unable to grant anticipatory bail so far as the first petitioner is concerned.

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

So far as the petitioners nos. 2 (Shri Sudhir Chandra Das alias Sudhir Das) is concerned, going by the 161 Cr.P.C. statement of the injured, we grant him anticipatory bail.

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.)

(Md. Shabbar Rashidi, J.)