

17.01.2023
10 & 11
Ct. No. 29
KAUSHIK

C.R.M.(A) 100 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Amherst Street** Police Station Case No. **248** of **2022** dated **12.10.2022** under Sections 307/34 of the Indian Penal Code.
And

In Re : Md. Mohsin
..... petitioner

with

C.R.M.(DB) 147 of 2023

In Re:- An application for cancellation of anticipatory bail under Section 439(2) of the Code of Criminal Procedure.
And

In Re : Md. Taimoor @ Md. Taimoor Salauddin
..... petitioner

Mr. Angshuman Chakraborty
Md. Zahid Abedin
....for the petitioner in CRM(A) 100 of 2023

Mr. Tarique Quasimuddin
Md. Irshad Yaqub
....for the petitioner in CRM(DB) 147 of 2023

Mr. Angshuman Chakraborty
Md. Zahid Abedin
....for the de-facto complainant in CRM(DB) 147 of 2023

Mr. Tarique Quasimuddin
Md. Irshad Yaqub
....for the de-facto complainant in CRM(A) 100 of 2023

Mr. Swapan Banerjee
Ms. Purnima Ghosh
....for the State in CRM(A) 100 of 2023

Mr. Rudradipta Nandy
Ms. Sonali Das
....for the State in CRM(DB) 147 of 2023

One application for anticipatory bail and other application for cancellation of anticipatory bail are taken up for consideration analogously as they emanate out of the same police case.

Co-accuseds were granted anticipatory bail in CRM(A) 6036 of 2022 on January 2, 2023. While granting anticipatory bail to the co-accuseds, it was observed that the injured did not suffer grievous hurt. The gravity of the offence and the involvement of the petitioners therein were taken into consideration and the co-accuseds were enlarged on anticipatory bail.

Learned advocate appearing for the injured victim seeking cancellation of the anticipatory bail submits that, the order granting anticipatory bail did not consider the materials in the case dairy in the correct perspective. He draws the attention of the Court to the injury reports of the victim. He submits that, the victim were hospitalised for 17 days. There were cut injuries on the scalp with a sharp cutting weapon. There was an attempt to murder the injured victim.

There are allegations of post bail misconduct by the co-accused. The injured wrote three letters to the police complaining of post bail misconduct.

So far as the post bail misconduct is concerned, it is claimed that the injured is being threatened by the father of the co-accused. There are no particulars as to the dates when such

threats allegedly been meted out. The contentions so far as post bail misconduct is concerned, are unacceptable.

The injured victim was treated initially at NRS Medical College and Hospital. He was enlarged therefrom. The discharge certificate does not contain anything that suggest that the injured required hospitalisation. The injured, thereafter, went to a private hospital and stayed there for 17 days.

Injuries to the scalp per se cannot be classified as grievous hurt. NRS Medical College and Hospital did not classify any of the injuries suffered as grievous hurt.

In such circumstances, we find no ground to cancel the anticipatory bail granted.

Consequently, CRM(DB) 147 of 2023 is dismissed.

On the parity of the same reasoning, we grant anticipatory bail to the petitioner in CRM(A) 100 of 2023.

Accordingly, we direct that in the event of arrest the petitioner in CRM (A) 100 of 2023 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 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)