

22.02.2023

36

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 783 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Keshpur** Police Station Case No. **315** of **2022** dated **26.11.2022** under Sections 448/325/307/506/34 of the Indian Penal Code.

And

In Re : Subrata Chakraborty

..... petitioner

Mr. Soumyajit Das Mahapatra

Ms. M. Sinha

....for the petitioners

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

....for the State

Petitioner prays for anticipatory bail.

Petitioner claims that the incident occurred subsequent to an order passed under Section 144 of the Code of Criminal Procedure (Cr.P.C.) for demarcation. He refers to the contents of the First Information Report (FIR). He submits that, Debabrata was named as the assailant and that such co-accused was granted anticipatory bail by the learned Sessions Judge on December 20, 2022.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the injury report. He submits that, the injured suffered grievous hurt.

The written complaint was lodged by the wife of the victim. She claimed herself to be an eye witness. She stated that the Debabrata assaulted the victim with an iron rod by reason of which, the victim suffered injuries and required hospitalisation.

The petitioner before us is not named as the assailant by the de-facto complainant.

The injury report of the victim records two persons as the assailants, which includes the petitioner.

However, out of two persons, one was granted anticipatory bail by the Sessions Court.

In such circumstances, we 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/-, 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 week 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.)