

23.02.2023
Serial no. 22
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 810 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **273** of **2022** dated **27.05.2022** under Sections **341/323/326/34** of the Indian Penal Code adding Section **307** of the Indian Penal Code (corresponding to G.R. Case no. 603 of 2022). Charge sheet submitted being Charge sheet no. 667 of 2022 dated 31.12.2022 under Sections 341/323/326/307/34 of the Indian Penal Code.

-And-

In the matter of : **Mir Oyahedali @ Oyahed Ali Mir**
... .. Petitioner

Mr. Kaushik Chowdhury,
Ms. Busra Khatun, Advocates
... .. *For the Petitioner*

Mr. Arijit Ganguly,
Mr. Avik Ghatak, Advocates
... ..*For the State*

Ms. Jeenia Rudra,
Ms. Megha Chenda, Advocates
... ..*For the de facto complainant*

Petitioner prays for anticipatory bail.

Police filed charge sheet.

Co-ordinate Bench enlarged co-accuseds on bail after observing that whether the injury on the victim was life threatening or not requires to be assessed during trial. Moreover, the period of detention of the co-accuseds was taken into consideration for the purpose of granting bail.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the injury report.

Learned advocate appearing for the de facto complainant submits that the injury suffered was of grievous hurt nature.

As noted above, police filed charge sheet.

Co-accuseds were enlarged on bail by the co-ordinate Bench.

Apparently, the petitioner did not actively participate in the assault.

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 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) 810 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)