

03.03.2023

Serial no. 14

[Dd]

(Anticipatory Bail)

(Allowed)

CRM (A) 940 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with G.R. Case no. 430/2023 arising out of **Raghunathganj** Police Station Case No. **151** of **2023** dated **21.02.2023** under Sections **447/323/325/326/308/506/34** of the Indian Penal Code.

-And-

In the matter of : **Soutam Saha @ Bappa Saha & Ors.**

... .. **Petitioners**

Mr. Tapodip Gupta, Advocate

... .. *For the Petitioners*

Mr. Arijit Ganguly,

Mr. Avik Ghatak, Advocates

... ..*For the State*

The case diary does not contain an injury report despite the Investigating Officer requesting the Superintendent of Hospital where the victim was treated for the injury report.

The statement of the injured recorded under Section 161 of the Criminal Procedure Code suggests that he was assaulted by fists and blows. He apparently was able to dodge the assault by iron rod and a sharp cutting weapon.

In such circumstances, considering the materials in the case diary as presently available, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 940 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)