

03.03.2023

22

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 948 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Garhbeta** Police Station Case No. **715** of **2022** dated **24.11.2022** under Sections 341/323/354/325/506/34 of the Indian Penal Code.

And

In Re : Pallab Chatterjee @ Pallab Chattopadhyay

..... petitioners

Ms. Oindrila Ghosh

....for the petitioners

Mr. Madhusudan Sur

Mr. Arabinda Manna

....for the State

Apparently, an incident of assault took place between persons who are parties in a partition suit and/or are claiming through the parties of such suit for partition.

Considering the materials in the case diary including the injury report and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we do not find need for custodial interrogation of the petitioner.

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 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.)