

13.03.2023

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 978 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pandua** Police Station Case No. **571** of **2022** dated **05.12.2022** under Sections 341/323/326/504/506/34 of the Indian Penal Code, 1860.

And

In Re : Sk. Nazu & Ors.

..... petitioners

Mr. Ansuman Bera

....for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

....for the State

Three petitioners are before us.

The injured suffered cut injury on the scalp caused by a sharp cutting weapon.

The injury report of the victim names the petitioner nos. 2 and 3.

So far as the petitioner no. 3 (Sk. Nabu @ Azfar @ Azfar Shaikh) is concerned, considering the gravity of the offence and the involvement of the petitioner no. 3 therein, we are unable to grant anticipatory bail to the petitioner no. 3.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 3 is concerned.

Apparently, petitioner no. 2 (Sk. Jatan @ Mujibar Sk @ Mujibar Rahaman) suffers medical condition and, therefore, requirement of custodial interrogation of the petitioner no. 2 is not felt on the medical ground of the petitioner no. 2.

Petitioner no. 1 (Sk. Nazu) is not named in the injury report.

In such circumstances, we grant anticipatory bail to the petitioner nos. 1 and 2.

Accordingly, we direct that in the event of arrest the petitioner nos. 1 and 2 shall be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioner nos. 1 and 2 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner nos. 1 and 2 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 nos. 1 and 2 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)