

17.03.2023

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Ct. No. 29
CHC
Allowed

C.R.M.(A) 1095 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, 1860 and adding Section 307 of the Indian Penal Code and subsequently chargesheet has been submitted vide Chargesheet No.667 of 2022 dated 31.12.2022 under Sections **341/323/326/307/34** of the Indian Penal Code, 1860.

And

In the matter of: Oyachhin Ali Mir

..... petitioner

Mr. Bhaskar Roy,
Mr. Partha Sarathi Mondal
....for the petitioner

Mr. Navanil De
....for the State

Ms. Jeenia Rudra,
Ms. Megha Chanda
...for the de facto complainant

Co-accuseds were granted bail by the coordinate Bench *inter alia* on the ground that, there was a free fight between the parties. Moreover, whether the injury of the victim was life threatening or not required to be assessed during trial.

We grant anticipatory bail to another accused on February 23, 2023 passed in CRM (A) 810 of 2013 taking note of the observation made by the coordinate Bench while granting bail to the coaccused.

Learned advocate appearing for the State submits that the injury report discloses that the injury suffered were life threatening.

In view of the observation made by the coordinate Bench and as applied to another co-accused by us in respect of another co-accused while granting anticipatory bail we do not find any substance in the contention on behalf of the State with regard to the nature of injury.

The petitioner before us stands on the same footing as the co-accused who was enlarged on anticipatory bail on February 23, 2023 in CRM (A) 810 of 2023.

The de facto complainant is represented.

In such circumstances, we grant anticipatory bail to the petitioner.

Police filed chargesheet.

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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)