

27.03.2023

14

Ct. No. 29

CHC

Allowed

C.R.M.(A) 1231 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Panchla** Police Station Case No. **383** of **2022** dated **14.11.2022** under Sections **448/324/307/302/34** of the Indian Penal Code.

And

In the matter of : Sk. Maharam Ali & ors.

..... petitioners

Mr. Subhasish Pachhal

....for the petitioners

Mr. Swapan Banerjee,

Ms. Purnima Ghosh

....for the State

A person succumbed to his injuries in a free fight between the parties, after a fortnight from the date of the incident.

Prayer for bail of a co-accused was allowed by a coordinate Bench *inter alia*, on the ground that whether such co-accused intended to murder the victim requires to be assessed in the light of the circumstances established during the trial. The coordinate Bench also noted that police filed charge-sheet.

In such circumstances, we 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 appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accuseds 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)