

30.03.2023

43

Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 1350 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **118** of **2023** dated **12.02.2023** under Sections 447/324/325/326/307/379/354/34 of the Indian Penal Code, 1860.

And

In Re : Husen Ali @ Husen & Anr.

..... petitioners

Ms. Minoti Gomes

....for the petitioners

Mr. Sujan Chatterjee

....for the State

In an incident of assault, in respect of which two police complaints were lodged, the injured suffered two injuries by knife.

The petitioner no. 1 is such person who dealt the blow causing the injury on the injured.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 1 (Husen Ali @ Husen).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 1 is concerned.

So far as the petitioner no. 2 (Hasen Ali @ Pocha) is concerned, we grant anticipatory bail to the petitioner no. 2.

Accordingly, we direct that in the event of arrest the petitioner no. 2 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 no. 2 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner no. 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 no. 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.)