

02.05.2023

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 1849 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliganj** Police Station Case No. **136** of **2023** dated **12.03.2023** under Sections 447/325/326/307/354/506/34 of the Indian Penal Code, 1860.

And

In Re : Chholeman Sk @ Soleman Sekh & Ors.

..... petitioners

Mr. Sumanta Das

....for the petitioners

Mr. Avishek Sinha

....for the State

An incident of assault took place where, three persons suffered injuries. Two persons suffered simple injuries while one person suffered grievous hurt. The person, who suffered grievous hurt, suffered a depressed fracture on the scalp. Such injured person names the petitioner no. 2 (Santu Sk & Sekh) as the assailant.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 2.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 2 is concerned.

So far as the petitioner nos. 1 (Chholeman Sk @ Soleman Sekh) and 3 (Lalchand Sk @ Sekh) are concerned, though they

were involved in the incident of assault and in view of their role ascribed to the injured, we grant anticipatory bail to the petitioner nos. 1 and 3.

Accordingly, we direct that in the event of arrest the petitioner nos. 1 and 3 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 3 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner nos. 1 and 3 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 3 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.)

