

18.05.2023

16
Ct. No. 29
CHC
Allowed

C.R.M.(A) 2053 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sinthee** Police Station Case No. **39** of **2023 (M/2 - 39/23)** dated **01.05.2023** under Sections **147/148/149/324/354** of the Indian Penal Code, 1860 read with Section **25(1B), (A)** and **27** of the Arms Act.

And

In the matter of : Babin Banerjee @ Amitava Banerjee & ors.
..... petitioners

Mr. Bikash Ranjan Bhattacharya, Ld. Senior Advocate
Mr. Uday Sankar Chattopadhyay,
Ms. Sayanti Sengupta,
Mr. R. Mukherjee,
Ms. Debolina Sarkar
....for the petitioners

Mr. Nguive Ahmed, Ld. A.P.P.
Mrs. Amita Gaour
....for the State

Four persons were injured in an incident of assault.
Assault took place over the issue of possession of room between
political parties.

We perused the injury report of all four persons.

The injury report suggests that the injured suffered injuries inflicted by physical assault by bamboo stick. One of the injury noted in respect of one of the injured is bite mark. We perused the statement of such injured. Such injured does not

speak of infliction of any bite on him during the incident of assault and to suffer bite mark.

None of the injuries suffered by the injured were classified as grievous hurt.

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

Accordingly, we direct that in the event of arrest the petitioners will 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 petitioner no.1, namely, Babin Banerjee @ Amitava Banerjee, petitioner no.2, namely, Ratan Banerjee, petitioner no.4, namely, Sibnath Basu, petitioner no.5, namely, Moni Sankar Samanta, petitioner no.6, namely, Mithun Das, petitioner no.7, namely, Gaurav Maujumdar @ Guddu, petitioner no.8, namely, Arunimo Chakraborty, petitioner no.9, namely, Pradip Bhattacharyya @ Nata, petitioner no.10, namely, Gupinal Ghosh @ Dijendra Ghosh, petitioner no.11, namely, Kaustav Das and petitioner no.12, namely Samar Das will report before the Investigating Officer once in a month till the conclusion of investigation and petitioner no.3, namely, Kaninika Bose will cooperate with the Investigating Officer till the conclusion of the investigation 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 accused 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.)