

18.05.2023

20

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2057 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nalhati** Police Station Case No. **84** of **2023** dated **17.03.2023** under Sections 341/324/325/307/509/34 of the Indian Penal Code.

And

In Re : Dhanindranath Mondal @ Khokon Mondal & Anr.

..... petitioners

Mr. Saikat Chatterjee

Mr. Abdur Rakib

....for the petitioners

Mr. Joydeep Roy

Mr. Amanul Islam

....for the State

The police complaint was lodged four months after the incident. There is a counter complaint also.

The injury report shows that the injured suffered minimally displaced fracture in the right side of the frontal bone.

Whether such injury can be treated as an attempt to murder is debatable.

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/- 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 no. 1 (Dhanindranath Mondal @ Khokon Mondal) shall meet the Investigating Officer once a month till the conclusion of the investigation and petitioner no. 2 (Rina Mondal) shall cooperate with the Investigating Officer till the conclusion of the investigation and on 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.)