

06.07.2023

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Allowed

C.R.M. (A) No. 2775 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 966 of 2023 dated 20.06.2023 under Sections 341/324/326/354/506/34 of the Indian Penal Code.

And

In Re : Mokbel Mia & Anr. petitioners

Mr. Sovan Dasgupta

.....for the petitioners

Mr. Sudip Ghosh

Mr. Koushik Kundu

....for the State

Learned Counsel for the petitioners submits that there was a free fight between the parties. Complaint has also been lodged against the de facto complainant and his associates.

Learned Counsel for the State opposes the prayer for anticipatory bail.

We have considered materials on record including the injury report. Most of the injuries in the report are simple. Only one injury which appears to be severe is on a non-vital part of the body. Under such circumstances we are of the opinion custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail.

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 condition that the petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioners shall meet the investigating officer once in a week until further orders.

This application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)