

22.01.2024

Serial no. 04

Anticipatory Bail

[Allowed]

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CRM (A) 170 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Ghatal** Police Station Case No. **403** of **2023** dated **November 29, 2023** under Sections **341/323/307/506/34** of the Indian Penal Code, 1860.*

(G.R. Case No. 1224 /2023)

-And-

In the matter of : **Tuhin Das & Anr.**

... .. Petitioners

Mr. Tanmoy Chowdhury,

Ms. Ritoprita Ghosh, Advocates

... .. For the Petitioners

Mr. Sujan Chatterjee, Advocate

... ..For the State

Mr. Kallol Mondal,

Mr. Kishan Ray,

Mr. Souvik Das,

Mr. Anamitra Banerjee, Advocates

... ..For the de facto complainant

Apparently, a matrimonial proceeding was pending before the Sub-divisional Court at Ghatal. In respect of such proceeding an incident of assault occurred inside the Court premises.

Four persons were implicated in the incident of assault in the present police case.

Two of the persons implicated were granted anticipatory bail by the jurisdictional Court. Prayer of the petitioners before us were rejected.

We perused the materials in the case diary.

The injury report does not suggest injured suffered grievous hurt.

Apparently, a free fight took place.

Area of concern is that the incident of assault took place within the Court premises and that the petitioners before us were involved.

Considering the fact that two other co-accuseds were similarly placed as that of the petitioners were enlarged in anticipatory bail by the jurisdictional Court and considering the nature of the injury suffered, 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/- (Rupees Ten Thousand Only) 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 petitioners shall report before the Investigating Officer once in a fortnight 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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 170 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

