

31.01.2024

DL.36

Court No.29

(AD)

(Partly
Allowed)

C.R.M. (A) 276 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nimta** Police Station Case No. **21 of 2024** dated **19.01.2024** under Sections **341/323/325/326/506/34** of the Indian Penal Code. (G.R. Case No.538 of 2024).

And

In the matter of: **Tarak Ray & Ors.**

....petitioners.

Mr. Debasis Kar

...for the petitioners.

Mr. Debasish Roy, Ld. PP

Ms. Rituparna De Ghose

...for the State.

In an incident of assault, the injured implicates the petitioner no.1, namely, Tarak Ray, of assaulting with a wooden bat on his head leading to loss of conscious and vomiting. Apparently, such injured was referred to a hospital for scan.

Considering the gravity of the offence and the involvement of the petitioner no.1 therein, we are unable to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the petitioner no.1 is rejected.

So far as other petitioners, that is, petitioner nos.2 to 4 are concerned, since no active role as ascribed to them, we grant anticipatory bail to the petitioner no.2 (Shila Roy), petitioner no.3 (Piyali Roy) and petitioner no.4 (Nitai Maity).

Accordingly, we direct that in the event of arrest, the petitioner nos.2 to 4 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 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.4 will report before the Investigating Officer once a month till the conclusion of the investigation and petitioner nos.2 and 3 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioner nos.2 to 4 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.2 to 4 in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner nos.2 to 4 is allowed.

C.R.M. (A) 276 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)