

07.02.2024

DL.10

Court No.29

(AD)

(Allowed)

C.R.M. (A) 391 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Munchipara** Police Station Case No.**168 of 2023** dated **12.11.2023** under Sections **325/326/504/114** of the Indian Penal Code, 1860 .(G.R. Case No.868 of 2023).

And

In the matter of: **Rajiv Mondal**

....petitioner.

Ms. Minoti Gomes

...for the petitioner.

Md. Anwar Hossain

Mr. Dipankar Pramanick

... for the State.

Two persons suffered injuries.

Injury report of one of the persons claims that the injury was of grievous hurt.

We perused the case diary.

Such victim stated in the statement recorded under Section 161 of the Code of Criminal Procedure that he was assaulted by fists and blows and bamboo stick.

Injury report also records that the assault was by fists and bamboo stick.

Police are investigating, *inter alia*, under Section 326 of the Indian Penal Code, 1860.

In view of the dichotomy between the provisions of law that the police are proceeding against the petitioner and the injury report, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject

to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 391 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)