

23.02.2024

Serial no. 24
Anticipatory bail
[Allowed]
Dd

CRM (A) 619 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Sutahata** Police Station Case No. **229** of **2023** dated **June 25, 2023** under Sections **307/323/325/326/354/379/447/506/34** of the Indian Penal Code, 1860.*

-And-

*In the matter of : **Somnath Halder**
... .. **Petitioner***

*Mr. Navanil De,
Mr. Subhrajit Dey, Advocates
... .. For the Petitioner*

*Mr. Binay Panda,
Mr. Arani Bhattacharyya, Advocates
... ..For the State*

Petitioner prays for anticipatory bail on the ground of parity with other co-accused who was enlarged on anticipatory bail by orders dated January 9, 2024 passed in CRM (A) 4776 of 2023 and order dated January 30, 2024 passed in CRM (A) 5167 of 2023.

Learned advocate appearing for the State disputes the claim for parity. He draws the attention of the Court to the injury report of the victim as well as his statement. He submits that the injured suffered dislocation of the right shoulder at the behest of the petitioner. The other co-accuseds were present in the incident of assault but the present petitioner inflicted such injury on the injured.

We perused the materials in the case diary.

Injured suffered dislocation of the right shoulder at the behest of the petitioner. Dislocation was caused by a blow given by the blunt side of the spade.

Apparently, a blunt weapon was used. As to whether provisions of Section 326 of the Indian Penal Code, 1860 stand attracted as against the petitioner may be decided at the trial if so raised.

In such circumstances, 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 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 shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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.

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

CRM (A) 619 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)