

08.04.2024
Item No.61
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1069 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dantan** Police Station Case No. **22 of 2024** dated **06.02.2024** under Sections **341/323/325/326/354B/506/34** of the Indian Penal Code, 1860 pending before the Learned Chief Judicial Magistrate, Paschim Medinipur. (G.R. Case No.44 of 2024)

And

In Re : Sk. Daruddin @ Darauddin & Ors.
..... petitioners

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
.....for the petitioners

Mr. Iqbal Kabir
Mr. Soham De Dhara
....for the State

1. Petitioners contend there was prior enmity between the petitioners and the de facto complainant. A criminal case being Dantan Police Station Case No.34 of 2024 was lodged on account of assault on Sk. Abuluddin, a brother of petitioner no.1 in the present case by the son of Sk. Samsuddin (victim in the present case). Accordingly, they pray for anticipatory bail.
2. Learned Lawyer for the State contends Dantan Police Station Case No.34 of 2024 relates to a different incident and cannot be treated as a counter case.
3. We have considered the materials on record. Dantan Police Station Case No.34 of 2024 relates to an incident which occurred on 06.02.2024 at 7 A.M. Time of occurrence in the present case, that is, Dantan Police

Station Case No.22 of 2024 is 06.02.2024 at 7 A.M., that is, around the same time. Sk. Abuluddin, brother of petitioner no.1, is the victim in Dantan Police Station Case No.34 of 2024 and had suffered severe injury. His wrist had been cut. This gives an impression of a free fight between the parties.

4. Under such circumstances, we are of the opinion who were the aggressors in the free fight requires to be assessed at the appropriate stage of the proceeding.
5. In light of the aforesaid circumstances, we are of the opinion custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail.
6. 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 they shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
7. The prayer for anticipatory bail of the petitioners is allowed.
8. **C.R.M. (A) No. 1069 of 2024** is disposed of.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)