

03.04.2024
tkm/ct 28
sl no. 71

C.R.M. (A) 1065 of 2024

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Suri P.S case no. 92 of 2024 dated 15.2.2024 under sections 341/325/307/506/379/34 IPC
And

Allowed

In Re : Som Nath Garai @Somnath Garai @Somnath Garain
..... petitioner

Mr. Sujoy Sarkar
Mr. Rahul Chachan

..... for the petitioner

Mr. S S Imam
Mr. Abhishek Verma

..... for the State

1. Heard learned lawyers for the parties.
2. We have considered materials on record. There was a scuffle between the parties. Petitioner and co-accused were unarmed and had hit with fists and blows. Though the injury discloses a fracture, the aforesaid factors are required to be borne in mind while assessing the applicability of section 307 IPC.
3. Under such circumstances we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary and he may be granted anticipatory bail.
4. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- 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.

5. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.
6. The application being CRM (A) 1065 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)