

04.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1087 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 134 of 2024 dated 27.02.2024 under Sections 447/325/326/354/427/506/34 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Tehatta Nadia.

And

In Re : Susanta Halder @ Sushanta Halder & Ors. petitioners

Mr. Amanul Islam
Mr. Sourav Mukherjee

.....for the petitioners

Mr. Kunal Ganguly

....for the State

Mr. Atis Kumar Biswas
Ms. Jyoti Agarwal

...for the de facto complainant

1. Petitioners submit there was a free fight between the parties. Case and counter-case were registered. He prays for anticipatory bail.
2. Learned Lawyer for the State opposes the prayer for anticipatory bail.
3. Learned Lawyer for the de facto complainant submits victim suffered fractures.
4. We have considered the materials on record. There was a free fight between the parties. One of the petitioners had suffered injury in course of the incident. Whether petitioners or the victim were aggressors requires to be assessed during trial.
5. Keeping in mind the aforesaid facts and the nature of injuries we are inclined to grant anticipatory bail to the petitioners.

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 they shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date and on further conditions petitioner nos. 1 & 2 shall meet the Investigating Officer once in a week until further orders and petitioner no. 3 will cooperate with the Investigating Officer till conclusion of the investigation.
7. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)