

10.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1096 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mahishadal Police Station Case No. 441 of 2023 dated 19.07.2023 under Sections 448/341/323/325/354/307/379/34/506 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Haldia, Purba Medinipur.

And

In Re : Sk Hatem & Ors. petitioners

Md. Abdur Rakib
Mr. Mojahid Mehedi

.....for the petitioners

Mr. Partha Pratim Das
Mr. Arup Sarkar

....for the State

1. Petitioners submit there was a free fight. Case and counter case were registered. Petitioner no. 5 suffered serious injury.
2. We have also examined the nature of injury in the present case. Injuries do not appear to be life threatening.
3. In view of the aforesaid facts, we are of the opinion it is possible petitioners may have exercised their right to private defence. Hence, they may be granted anticipatory bail.
4. 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.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)