

03.04.2024
Item No.85
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1111 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Goalpokher** Police Station Case No. **187 of 2023** dated **15.04.2023** under Sections **448/341/323/326/307/354/379/506/34** of the Indian Penal Code, 1860 pending before the Learned Additional Chief Judicial Magistrate, Islampur, District- Uttar Dinajpur. (G.R. Case No.945 of 2023)

And

In Re : Matebul

..... petitioner

Mr. Mujibar Ali Naskar
Md. Habibur Rahman

.....for the petitioner

Ms. Anasuya Sinha, Ld. APP
Mr. Abhinaba Mukherjee

....for the State

1. Petitioner submits there was a dispute over raising a boundary wall. He has been falsely implicated.
2. Learned lawyer for the State submits petitioner had absconded and proclamation had been issued.
3. We have considered the materials on record. Incident occurred over raising a boundary wall. Injuries are simple.
4. Whether ingredients of Section 307 IPC are disclosed in the aforesaid factual matrix is doubtful. That apart, in view of the nature of offences cited in the FIR/charge

sheet, petitioner cannot be declared a proclaimed offender under Section 82(4) Cr.P.C.

5. In view of the aforesaid, we are inclined to entertain and allow the application for anticipatory bail.
6. 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 and on condition that he 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 petitioner is allowed.
8. **C.R.M. (A) No. 1111 of 2024** is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)