

08.04.2024
Item No.65
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1125 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chapra** Police Station Case No. **112 of 2024** dated **10.02.2024** under Sections **447/325/326/354B/427/506/34** of the Indian Penal Code, 1860 presently pending before the Court of Learned Chief Judicial Magistrate, Nadia. (G.R. Case No.817 of 2024)

And

In Re : Asraf Sekh @ Asraf Ali Sekh @ Asrof Ali Sekh
..... petitioner

Mr. Prabir Majumder

.....for the petitioner

Mr. Debasish Roy, Ld. PP

Mr. Rudradipta Nandy, Ld. APP

Ms. Nahid Ahmed

....for the State

1. Petitioner contends there was a free fight between parties. Case and counter case were registered. Petitioner had suffered fracture. Accordingly, he prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. There was a free fight between parties. Case and counter case were registered. Petitioner sustained bone fracture. Whether the petitioner had exercised his right of private defence or not requires to be assessed at the appropriate stage of proceeding.
4. Bearing in mind the aforesaid facts including the fact that petitioner had also suffered grievous injury in the incident, we are inclined to grant anticipatory bail to the petitioner.

5. 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.
6. The prayer for anticipatory bail of the petitioner is allowed.
7. **C.R.M. (A) No. 1125 of 2024** is disposed of.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)