

15.04.2024

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S.D./A.D.
Allowed

C.R.M. (A) No. 1231 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No. 136 of 2024 dated 08.03.2024 under Sections 448/376/511/34 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Murshidabad at Berhampore.

And

In Re : Pijush Ghosh & Anr. petitioners

Mr. Robiul Islam
Mr. Raju Mondal
Mr. Masooq Rahaman
....for the petitioners

Ms. Minoti Gomes
Mr. Soham De Dhara
....for the State

1. Petitioners submit there was a free fight between the parties. Petitioner no. 1 was injured and a criminal case had been registered. They pray for anticipatory bail.
2. Learned Lawyer for the de facto complainant submits criminal case lodged by the petitioners is a concocted one.
3. Learned Lawyer for the State opposes the prayer for anticipatory bail.
4. We have considered the materials on record. We have also examined the allegations in both the criminal cases. From the tenor of the allegation in this case, it appears

there was a free fight and allegation of attempt to rape may be an embellishment.

5. In view of the aforesaid circumstances, 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.
7. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)