

02.05.2024
Item No.8
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1563 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **254/2024** dated **20.03.2024** under Sections **341/323/326/307/506/34** of the Indian Penal Code, 1860, pending before the Learned Additional Chief Judicial Magistrate, Chanchal, Malda.

And

In the matter of : Esdani @ Shukaruddin & anr.

..... petitioners

Mr. Soumyajit Das Mahapatra,
Ms. Jenifar Alam Megha
....for the petitioners

Mr. Rana Mukherjee, Ld. A.P.P.
Mr. Mirza Firoj Ahmed Begg
....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, a free fight took place with regard to extortion. A complaint case was lodged by the government contractor.

Learned advocate for the State draws the attention of the Court to the materials in the Case Diary including statements of the injured and their injury reports.

Two persons apparently suffered injuries in the present police case. None of the injuries suffered were classified as grievous hurt. Injury report speaks of physical assault. There is a question mark as against the user of iron rod. One of the victim in his statement stated that hammer was used. Such

statement is not corroborated by initial medical report of such injured.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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 further condition that the petitioners will report before the Investigating Officer once in a week till the conclusion of investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 1563 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)