

07.05.2024
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Ct. No. 29
S.D.
P. Allowed

C.R.M.(A) 1600 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Diamond Harbour** Police Station Case No. **156 of 2024** dated **08.04.2024** under Sections **143/147/153A/295A/435/436/307/34** of the Indian Penal Code and under Section **9** of Maintenance of Public Order Act, 1972 pending before the learned Additional Chief Judicial Magistrate, Diamond Harbour.

And

In Re : **Aninda Halder & Ors.**

..... petitioners

Mr. Gouranga Das
Mr. Rajendra Banerjee
Mr. Goutam Sardar
Mr. Goutam Malik
Mr. Debasis Sur

...for the petitioners

Mr. Binay Kumar Panda
Mr. Atanu Ghosh

...for the State

In an incident of assault, number of persons were injured. One suffered fracture in the nasal bone. He names the first three petitioners before us as participants in such incident.

There are religious overtones with regard to the incident.

Considering the gravity of the offence and the involvement of the first three petitioners therein, we are unable to grant anticipatory bail to them. The prayer for anticipatory bail in respect of the petitioner nos. 1 to 3 is rejected.

Accordingly, **C.R.M. (A) 1600 of 2024** is dismissed so far as the petitioner nos. 1 to 3 are concerned.

So far as the petitioner no. 4 is concerned, since the injured does not name him, we grant anticipatory bail to him.

Accordingly, we direct that in the event of arrest, the petitioner no. 4, **Avik Halder** 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. The petitioner no. 4 will report before the Investigating Officer once in a week till the conclusion of the investigation. The petitioner no. 4 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 petitioner no. 4 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

