

11.06.2024
SL No.19
Court No.29
(gc)
(Allowed)

CRM (A) 1860 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Daspur Police Station Case No.284 of 2021 dated June 2, 2021 under Sections 143/341/323/325/307/354/506 of the Indian Penal Code.

And

In the matter of : **Sajahan Mallick @ Sahajan Mallick & Anr.**

- Petitioners.

Ms. Sananda Bhattacharyya,
....For the Petitioners.

Mr. Sudip Kumar,
Ms. Debadrita Mondal
... For the State.

1. The learned Counsel for the petitioners submits that the persons similarly placed as that of the present petitioners have been granted anticipatory bail on 17th October, 2023.
2. The learned Counsel for the State has also submitted that the petitioners stand on the same footing as Sariful Mallick @ Mahhamad Sarif Mallick @ Md Sarif Mallick in whose favour prayer for anticipatory bail was granted by a Coordinate Bench in CRM (A) 4752 of 2023.
3. The Coordinate Bench on consideration of the case diary and upon taking into consideration the fact that the police have filed the charge-sheet allowed the prayer for anticipatory bail. It was observed that apparently a free fight took place between the private parties and injuries suffered were not classified as

grievous hurt. On parity of reasoning, we accordingly allow the prayer for anticipatory bail.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sajahan Mallick @ Sahajan Mallick** and **Ajad Mallick** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. 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.
5. Accordingly, the application for anticipatory bail is disposed of.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)