

24.06.2024
SL No.20
Court No.29
TN
(Allowed)

CRM (A) 1936 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Murutia Police Station Case No.193 of 2023 dated 06.07.2023 under Sections 341/325/326/307/34 of the Indian Penal Code.

And

In the matter of : **Harej Sk. @ Sekh and another.**

- petitioners.

Mr. Asraf Mandal

....for the petitioners.

Mr. Bitasok Banerjee,

Mr. D. Das

... for the State.

1. The learned Counsel for the petitioners submits that there was a free fight between two political groups. Case and counter-case was registered. Injuries were also suffered by the petitioners. It is further submitted that Darej Sk. was granted bail by a coordinate Bench in CRM (DB) No. 165 of 2024 on 29th January, 2024. Moreover, charge-sheet has already been filed.
2. The learned Counsel appearing for the State has produced the case diary. It has been submitted that the present petitioners are specifically named by the injured along with Darej Sk. and Darej Sk. was arrested. However, subsequently he was granted bail by the coordinate Bench.
3. It appears from the case diary and the materials on record that there has been free fight between two groups.
4. We have considered the materials on record and the statement of the witnesses recorded in the course of

investigation of the case and counter-case. We have also taken into consideration that both the parties had suffered injuries. As rightly observed by the coordinate Bench whether the petitioners intended to murder the victim required to be assessed in the backdrop of the aforesaid circumstances during trial. Moreover, charge-sheet has already been filed.

5. In such circumstances, we are inclined to grant anticipatory bail to the petitioners.
6. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Harej Sk. @ Sekh and Nurjun Sk. @ Najurul Sk.** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Tehatta at Nadia within two weeks from date and pray for regular bail and shall appear before the trial court on every date of substantive hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
7. In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)