

27.06.2024
SL No.18
Court No.29
TN

CRM (A) 1990 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Malda Police Station Case No.222 of 2024 dated 19.04.2024 under Sections 323/325/308/506/34 of the Indian Penal Code.

And

In the matter of : **Babul Sk @ Jahangir Sk and another.**
- petitioners.

Mr. Abhinaba Mukherjee

.... for the petitioners.

Mr. Adil Badr,
Mr. Mirza Firoj Ahmed Bagg

... for the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated. It is further submitted that there was a free fight between the petitioners and the family members regarding EMI payment which led to the assault of the petitioners as well which would be evident from the medical report.
2. The learned Counsel for the State in opposing the prayer has referred to the medical report, injury report and the statement of the victim recorded under Section 161 of the Code of Criminal Procedure.
3. Considering the materials available in the case diary, the nature and extent of involvement of the petitioners in the commission of the alleged offence, read with the statement of the injured and the medical report, we are of the view that the petitioner no.1 is not entitled to anticipatory bail as he has

been directly implicated by the injured. However, the prayer for anticipatory bail of the petitioner no.2 is allowed.

4. Accordingly, we direct that in the event of arrest, the petitioner no.2, namely, **Jarip Sk** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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. The petitioner no.2 shall meet the Investigating Officer of the case once in a week or as and when required till submission of the final report and shall not leave the jurisdiction of Malda Police Station.
5. It is further directed that the present accused petitioner no.2 shall appear before the learned Chief Judicial Magistrate, Malda within two weeks from date and pray for regular bail.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)