

02.07.2024
SL No.48
Court No.29
TN
(Allowed)

CRM (A) 2058 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.251 of 2024 dated 29.04.2024 under Sections 341/325/326/307/506/34 of the Indian Penal Code.

And

In the matter of : **Hiralal Ghosh and another.**

- petitioners.

Mr. Arup Kumar Bhowmick

.... for the petitioners.

Mr. Anand Kesari,
Mr. Sachit Talukdar

... for the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. The learned Counsel for the State has produced the case diary and referred to the statement of injured directly implicating the petitioners for the alleged offence.
3. Considering the materials available in the case diary, it appears that there was a free fight between the parties and the *de facto* complainants were intoxicated at the time when they were examined and also considering the nature of the injuries suffered by the petitioners, we are of the view that the custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Hiralal Ghosh and Chhoton Karmakar** 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. The petitioners shall meet the Investigating Officer of the case once in a week or as and when required till submission of the final report.

5. It is further directed that the present accused petitioners 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.)