

03.07.2024
SL No.26
Court No.29
(gc)
(Allowed)

CRM (A) 2077 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Harishchandrapur Police Station Case No.699 of 2023 dated 14.07.2023 under Sections 341/325/326/307/34 of the Indian Penal Code.

And

In the matter of : **Md. Rafik @ Md. Rafique & Ors.**

- Petitioners.

Mr. Amit Ranjan Pati,
Mr. Sunayan Ghosh,
Ms. Swastika Chowdhury
....For the Petitioners.

Mr. Suman De,
Ms. Trina Mitra
... For the State.

1. The learned Counsel for the petitioners submits that there was a free fight between the two political parties during Panchayat Election in which members of the political parties to whom the petitioners belonged also had suffered injuries and a complaint has been lodged with the appropriate police station. Case and counter-case have been registered. It is further submitted that one of the co-accused, Tipu Sultan, was granted bail by a Coordinate Bench on 13th September, 2023.
2. The learned Counsel for the State, however, opposes the prayer for anticipatory bail.
3. We have considered the materials available in the case diary and the incident occurred in the Panchayat Election where both the parties have suffered injury. It appears that the case and counter-case have been registered. Keeping in mind the

aforesaid circumstances and having regard to the fact that one of the co-accused has been released on regular bail and the charge-sheet has already been filed, 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 present accused petitioners 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 learned Additional Chief Judicial Magistrate, Chanchal, Malda in connection with G.R. Case No.2126 of 2023 subject to the conditions that the petitioners shall appear before the trial court within two weeks from date and shall pray for regular bail and the petitioners shall appear on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
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.)