

09.07.2024
SI No. 54
Court No.29
TN
(partly allowed)

CRM (A) 2267 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Pukhuria Police Station Case No. 334 of 2023 dated 29.07.2023 under Sections 341/323/325/326/307 and 34 of the Indian Penal Code.

And

In the matter of: **Sukit Ansari and others.**

- petitioners.

Mr. S. N. Mukherjee,
Mr. Soupal Chatterjee,
Mr. Anupam Das,
Mr. Sattik Rout

.... for the petitioners.

Mr. S. S. Imam,
Mr. Aritra Bhattacharya

... for the State.

1. The learned counsel for the petitioners submits that due to altercation during the celebration of Muharram both the parties have suffered injuries and there has been no criminal intention of causing any grievous hurt or injury to the *de facto* complainant.
2. The learned counsel for the State has referred to the case diary and the statement of the injured persons.
3. Considering the materials available in the case diary, the nature of injury which appears to be grievous and the statement of the victim which directly implicates the petitioner nos. 1 and 2, we are of the view that the petitioner nos. 1 and 2 are not entitled to anticipatory bail.

4. Accordingly, the prayer for anticipatory bail in respect of petitioner **no. 1 (Sukit Ansari)** and petitioner **no. 2 (Sadek Ansari)** is rejected.
5. However, we allow the prayer for anticipatory bail in respect of petitioner no. 3.
6. Accordingly, we direct that in the event of arrest, the petitioner **no.3 (Tarik Ansari)** 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.
7. It is further directed that the present accused petitioner no.3 shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within two weeks from date and pray for regular bail.
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.)