

10.07.2024

Court No.29

Item No. 13

Allowed

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CRM (A) 2273 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ekbalpore Police Station Case No. 238 of 2024 dated 13.06.2024 corresponding to G.R. Case No. 1558 of 2024 under Sections 34/307 of the Indian Penal Code.

And

In Re: **Abdul Jawed & Anr.**

Petitioners

Mr. Iqbal Hussain

For the Petitioners

Mr. Arani Bhattacharyya

For the State

1. Learned counsel for the petitioners submits that due to free fight between the petitioners and the victim both sides have received injury and case and counter case have been filed.
2. Learned counsel for the State has produced the case diary in which the present petitioners are the complainant.
3. Considering the materials available in both the case diaries wherefrom it appears that both sides have received injury during free fight over the issue of certain disputes and the petitioners and the victim both are admitted in hospital for treatment, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Abdul Jawed and Abdul Hamid** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in

Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and on further condition that the petitioners shall appear before the learned Chief Judicial Magistrate, Alipore, within two weeks from date in connection with G.R. Case No. 1558 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)