

24.7.2024
SL No.32
Ct No. 29
SB

CRM (A) 2463 of 2024

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Asansol North Police Station Case No. 67 of 2024 dated 06.02.2024 under Sections 341/323/325/307/354/506/34 of Indian Penal Code.

And

Md. Gulfam & Anr.

Vs.

The State of West Bengal & Anr.

Mr. Aniket Mitra

Md. Kalam

Mr. Sayan Dutta

... for the petitioners.

Mr. Atif Ahmed Siddiqui

... for the State

1. Learned counsel appearing for the petitioners submits that during a prefight between the parties both sides have suffered injuries and there is any absence of mens rea. Learned counsel for the petitioners submits that fight took place because of provocation of the family members of the de fact complainant.
2. Learned counsel appearing for the State has produced the case diary.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and prima facie it appears that a prefight took place between two groups and both sides suffered injuries and charge sheet has already been filed, we are of the opinion that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners namely, Md. Gulfam and Md. Irfan shall be released on bail upon furnishing a bond of Rs.10,000/- 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.
5. It is further directed that the present petitioners shall appear before the learned Chief Judicial Magistrate, Asansol in connection with G.R. Case No. 325 of 2024 within two weeks from date and pray for regular bail.
6. In default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Uday Kumar, J.)

(Soumen Sen, J.)