

02.01.2024

02
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4196 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti** Police Station Case No. **419** of **2023** dated **22.7.2023** under Sections 341/326/307/34 of the Indian Penal Code, 1860.

And

In Re : Manirul Sk @ Md. Manirul Islam & Ors.

..... petitioners

Mr. Arindam Jana

Mr. Tapodip Ghosh

....for the petitioners

Mr. Shiladitya Banerjee

....for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023.

Learned advocate appearing on behalf of the petitioners submits that, an interim order was passed on such date by the Coordinate Bench.

Learned advocate appearing for the State submits that, such interim order was passed prior to the vacation without considering the materials in the case diary.

We perused the case diary.

A person suffered injury, which was classified as grievous in the report. The injured recorded a statement under Section 161 of the Cr.P.C. and stated that there was a pre-existing civil dispute with regard to an immovable property.

According to the injured, the petitioners ganged up and assaulted him by wooden baton and brick whereby he received injuries on his head.

Considering the fact that the pre-existing civil dispute with regard to an immovable property and considering the nature of injuries suffered by the victim and considering the other materials in the case diary, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition that the petitioners shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

