

02.01.2024

Sl.11

Court No.29

(AD)

(Allowed)

C.R.M. (A) 4209 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murshidabad** Police Station Case No. **395 of 2023** dated **04.06.2023** under Sections **341/325/308/34** of the Indian Penal Code, 1860 with added Section **307** of the Indian Penal Code, 1860 (corresponding to G.R. Case No.1752 of 2023).

And

In the matter of: **Imam Sk & Anr.**

....petitioners.

Mr. Ali Ahsan Alamgir

Ms. Soma Mal

Ms. Rabia Khatoon

Ms. J. Modak

...for the petitioners.

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State.

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

By such order, the petitioners were enlarged on interim anticipatory bail by the Coordinate Bench.

It is submitted at the bar that such prayer for interim anticipatory bail was granted without considering the materials in the case diary and just prior to the ensuing puja vacation.

We considered the materials in the case diary.

We find that two persons suffered injuries with one injury being classified as grievous hurt.

Police filed charge sheet.

Apparently, there are pre-existing disputes between the private parties and that it resulted in the incident.

Considering the fact that the police filed charge sheet and considering the fact that another co-accused was enlarged on bail

by the jurisdictional Court, we confirm the interim anticipatory bail granted to the petitioners on October 16, 2023.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each 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 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.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4209 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)