

02.01.2024
Item No.37
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4251 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **204/2023** dated **21.04.2023** under Sections **341/354B/308/379/325/509/506/34** of the Indian Penal Code.

And

In the matter of : Biswajit Mandal @ Biswa & ors.

..... petitioners

Mr. Arup Kumar Bhowmick
....for the petitioners

Mr. Tanmoy Kr.Ghosh, Ld. S.G.A
Mr. Arindam Sen
....for the State

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

By such order, interim anticipatory bail was granted to the petitioners.

It is submitted at the bar that, such order was passed without considering the materials in the Case Diary and in view of the ensuing Puja Vacation.

We perused the materials in the Case Diary.

The victim recorded her statement under Section 164 of the Criminal Procedure Code where she speaks of an assault on her as also utterance of offensive words.

The injury report does not classify the injury suffered as the grievous hurt.

Apparently, there was an altercation leading to the incident.

In such circumstances, we confirm the interim anticipatory bail granted 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 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 will report before the Investigating Officer once in a month till the conclusion of 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.

CRM(A) 4251 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

