

02.01.2024  
Item No.39  
Ct. No. 29  
**CHC**  
Allowed

**C.R.M.(A) 4253 of 2023**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Habibpur** Police Station Case No. **263/2023** dated **4.8.2023** under Sections **341/323/325/326/307/34** of the Indian Penal Code.  
And

In the matter of : Bachchan Ghosh @ Bachan Ghosh  
@ Sanjay Ghosh

..... petitioner

Mr. Musharraf Alam Sk.,  
Mr. Sujoy Sarkar,  
Mr. Rahul Chachan,  
Ms. Sushmita Ghorai  
....for the petitioner

Mr. Binay Panda,  
Ms. Puspita Saha  
....for the State

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

By such order, the petitioner was enlarged on interim anticipatory bail.

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.

We find that, in an incident of free fight two persons were received injuries. There is a counter police complaint also.

The injuries suffered were no specified as grievous hurt.

Considering the gravity of the offence and involvement of the petitioner therein, we confirm the interim order granted on October 16, 2023.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 petitioner will report before the Investigating Officer once in a month till the conclusion of investigation and on condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4253 of 2023 is disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**

