

02.01.2024

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Ct. No. 29

S.D.

C.R.M.(A) 4304 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Islampore** Police Station Case No. **305** of **2023** dated **27.7.2023** under Sections 341/326/307/34 of the Indian Penal Code.

And

In Re : Bapi Mandal & Ors.

..... petitioners

Mr. Pulakesh Bajpayee

....for the petitioners

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

....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 Coordinate Bench granted interim anticipatory bail 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.

Learned advocate appearing for the State draws the attention of the Court to the injury report of the two victims and the Statements recorded under Sections 161 and 164 of the Cr.P.C.

We perused the materials in the case diary.

An incident of assault took place. Two persons were injured. None of the injured ascribed any specific role to any of the petitioners before us. Women members of the assembly were granted anticipatory bail by the Coordinate Bench.

Police file charge sheet.

In such circumstances, we confirm the interim order of anticipatory bail passed 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/- 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 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.)

