

04.01.2024

03
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4310 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tamluk** Police Station Case No. **682** of **2023** dated **21.6.2023** under Sections 341/323/325/308/379/354/506/34 of the Indian Penal Code.

And

In Re : Arun Maiti @ Arun Maity

..... petitioner

Mr. Suman De

....for the petitioner

Mr. Joydeep Roy

Mr. Amanul Islam

....for the State

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

By such order dated October 16, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

Learned advocate appearing for the petitioner submits that, there is a counter police complaint.

We requested the learned advocate for the State yesterday to produce the case diary of the counter police complaint.

Learned advocate appearing for the State submits that, two police complaints were lodged within a span of five minutes

of each other relating to the same incident. In both the police cases, police filed charge sheet.

We perused the materials in the present case diary. We find that police filed charge sheet. One injured received injuries which was classified as grievous.

However, since the police filed charge sheet and since apparently, there was a free fight where both the parties received injuries, it would be appropriate to confirm the interim order dated 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/-, 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 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 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.)

