

03.01.2024

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Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4354 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Budbud** Police Station Case No. **64** of **2023** dated **22.5.2023** under Section 341/323/325/307/354/506 of the Indian Penal Code.

And

In Re : Bimal Ruidas

..... petitioner

Mr. Tapan Dutta Gupta

Mr. Parvej Alam

Mr. Haidar Ali Sk.

....for the petitioner

Mr. Prasun Kumar Datta

Mr. Nirupam Dhali

....for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 passed 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 interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

Learned advocate appearing on behalf of the petitioner submits that, another co-accused was enlarged on anticipatory

bail by the order dated August 22, 2023 passed in CRM (A) 3109 of 2023.

Learned advocate appearing for the State submits that, the petitioner stands on different footing than the other co-accused who was enlarged on anticipatory bail. He submits that, the petitioner before us is the principal assailant.

We find from the case diary that an incident of assault took place arising out of the property dispute between the private parties. Apparently, the petitioner before us assaulted the injured causing injuries requiring restructure of middle finger of right hand surgically. The Coordinate Bench while considering such nature of injury found that the hospitalization was not for more than 20 days. The Coordinate Bench granted anticipatory bail to the co-accused in such circumstances.

Since the co-accused was enlarged on anticipatory bail by the Coordinate Bench, we extend the same facility to the petitioner.

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 further condition that the petitioner will report before the Investigating Officer once a week till the conclusion of the 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)