

03.01.2024

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Ct. No. 29
S.D.
P. Allowed

C.R.M.(A) 4345 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. **861** of **2023** dated **30.7.2023** under Section 341/323/324/325/307/506/34 of the Indian Penal Code.

And

In Re : Sankar Jana & Anr.

..... petitioners

Mr. Kaushik Choudhury
Mr. Samaresh Chandra Dhara
Mr. Sabyasachi Hazra
Ms. B. Khatun

....for the petitioners

Mr. Binay Kumar Panda
Mr. Subham Kanti Bhakat
....for the State

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

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.

We perused the materials in the Case Diary.

Injured suffered incised wound by sharp cutting weapon on the chest and on his back. The injured person in his statement, recorded under Section 164 of the Cr.P.C. names the petitioner no. 1 as the assailant who inflicted injuries on him through a knife.

Considering the gravity of the offence and the involvement of the petitioner no. 1, we are unable to extend the interim order dated October 16, 2023 so far as petitioner no. 1 is concerned, and his prayer for anticipatory bail is rejected. So far as the petitioner no. 2 is concerned, since the injured does not name him as the assailant who inflicted injuries on the injured, we confirm the interim order dated October 16, 2023.

Accordingly, we direct that in the event of arrest, the petitioner no. 2, **Shyamal Fadikar** 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 no. 2 shall meet the Investigating Officer once in a month till the conclusion of the investigation and on condition that the petitioner no. 2 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 no. 2 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.)

