

03.01.2024
Sl.98
Court No.29
(AD)
(Allowed)

C.R.M. (A) 4431 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **298 of 2023** dated **25.05.2023** under Sections **448/323/325/308/34** of the Indian Penal Code, 1860 (corresponding to G.R. No.940 of 2023).

And

In the matter of: **Habibur Sk. @ Habibor Sk. & Anr.**

....petitioners.

Mr. Manas Kumar Das
Mr. Aritra Kmar Thokdar

...for the petitioners.

Mr. Shiladitya Banerjee

...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 petitioners were enlarged on interim anticipatory bail by the Coordinate Bench.

It is submitted at the bar that such prayer for interim anticipatory bail was granted without considering the materials in the case diary and just prior to the ensuing puja vacation.

We considered the materials in the case diary.

Learned Advocate appearing for the petitioners submits that there was a free fight between the rival parties with regard to construction of wall.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

A 15-year old boy sustained injuries in the incident.

The first injury report states that, the injuries were simple in nature. There is, however, a discharge certificate stating that the injured suffered fracture injuries.

Statement of the injured is yet to be recorded by the police.

Police filed charge sheet.

In view of the injured not implicating any of the petitioners before us and in view of the fact that the first injury report of the injured speaks of simple injury, we confirm the interim order dated 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/- (Rupees Ten Thousand Only) each, with two sureties of like amount each to the satisfaction of the Arresting Officer and also 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.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4431 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)