

04.01.2024

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Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4433 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Keshpur** Police Station Case No. **285** of **2023** dated **14.8.2023** under Section 341/325/307/354B/506/509/379/34 of the Indian Penal Code, read with Section 25/27 of the Arms Act.

And

In re: Rasidul Kaji @ Rasidul Ali & Ors.
..... petitioners

Mr. Siddhartha Sarkar
....for the petitioner

Mr. Tanmoy Kumar Ghosh
Ms. Pritha Paul
....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 petitioners submits that, there was a free fight due to land dispute between the neighbours.

Learned advocate appearing for the State draws the attention of the Court to the injury report of the victim and the statement recorded under Section 164 of the Cr.P.C.

The 164 Statement of the Cr.P.C. speaks of assault and use of abusive language. It also speaks of being assaulted by a sharp cutting weapon. The injury report does not demonstrate that the injured suffered any injury by sharp cutting weapon. In fact, the column of nature of injuries and description, it is stated that “nature of injury not described properly”.

In view of the materials in the case diary, 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/- 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 further condition that the petitioner nos. 1 and 2 shall meet the Investigating Officer once a month till the completion of the investigation and petitioner no. 3 will cooperate with 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 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.)