

**08.01.2024**

ML.6  
Court No.29  
(AD)  
(Allowed)

**C.R.M. (A) 4436 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raina** Police Station Case No.**388 of 2023** dated **19.08.2023** under Sections **341/323/325/326/307/34** of the Indian Penal Code, 1860, [G.R. Case No.4681 of 2023].

And

In the matter of: **Nilkamal Haldar**

....petitioner.

Mr. Uday Sankar Chattopadhyay  
Ms. Trisha Rakshit  
Ms. Rajashree Tah  
Ms. Aishwarya Datta

... for the petitioner.

Mr. Debasis Roy, Ld. PP  
Mr. P.K. Datta, Ld. APP  
Mr. Santanu Deb Roy

...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, an interim anticipatory bail was granted to the petitioner.

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

We perused the materials in the case diary.

Report as called for by the order dated January 3, 2024 filed in Court be taken on record.

The injury report of the victim suggests that the victim suffered fracture on the right leg.

The statement of the victim was not recorded over a considerable period of time.

Subsequent to our order dated January 3, 2024, statement of

the victim was recorded.

In the statement, the victim claimed that, he was assaulted by a sharp-cutting weapon.

The injury report of the victim does not corroborate the claim of an assault by a sharp-cutting weapon.

In such circumstances, we 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a month 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

**C.R.M. (A) 4436 of 2023** is, thus, disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**