

04.01.2024
Item No.59
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4467 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Santipur** Police Station Case No. **746** of **2023** dated **15.07.2023** under Sections **448/326/307/506/34** of the Indian Penal Code.
And

In the matter of : Abhimunya Das & ors.

..... petitioners

Ms. Minoti Gomes,
Ms. Dona Sanyal
....for the petitioners

Mr. Anwar Hossain,
Mr. Arif Ekbal Molla
....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioners.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Apparently, an incident of free fight took place amongst the private parties. There is a counter police complaint also. The rival party sustained injuries.

So far as the present police case is concerned, we requested the learned advocate of the State to draw our attention to the injury reports as to whether any injury was

classified as grievous hurt or not. Learned advocate appearing for the State unable to draw our attention to any injury report classified as injury with grievous hurt.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners therein, we grant anticipatory bail to the petitioners.

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 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 petitioners will report before the Investigating Officer once in a month till the conclusion of investigation 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4467 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)