

04.01.2024

Serial no. 130
Anticipatory Bail
[Partly Allowed]
Dd

CRM (A) 4586 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kushmandi** Police Station Case No. **217** of **2023** dated **30.08.2023** under Sections **448/323/325/354/307/506/34** of the Indian Penal Code, 1860.*

(G.R. Case No. 950 of 2023)

-And-

In the matter of : **Bablu Chowhan & Anr.**

... .. **Petitioners**

Mr. Jeenia Rudra, Advocate

... .. For the Petitioners

Mr. Prasun Kr. Datta,

Mr. Nirupam Dhali, Advocates

... ..For the State

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary. Two persons suffered injuries. One of the injury was classified as grievous hurt.

In their statement, the injured stated that petitioner no. 1 assaulted the injured resulting in the grievous hurt.

In such circumstances, we are unable to confirm the interim order dated October 16, 2023 or grant anticipatory bail to the petitioner no. 1 (Bablu Chowhan).

However, we confirm the interim order dated October 16, 2023 and grant anticipatory bail to petitioner no. 2 (Dinanath Chowhan @ Chouhan).

Accordingly, we direct that in the event of arrest the petitioner no. 2 (Dinanath Chowhan @ Chouhan) 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 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 (Dinanath Chowhan @ Chouhan) shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner no. 2 (Dinanath Chowhan @ Chouhan) 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 (Dinanath Chowhan @ Chouhan) in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner no. 2 (Dinanath Chowhan @ Chouhan) is **allowed**.

Prayer for anticipatory bail of the petitioner no. 1 (Bablu Chowhan) is **rejected**.

CRM (A) 4586 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

