

05.01.2024

Serial no. 82

Anticipatory bail

[Allowed]

Dd

CRM (A) 4610 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Puncha** Police Station Case No. **87** of **2023** dated **11.09.2023** under Sections **341/325/307** of the Indian Penal Code, 1860.
(G.R. Case No. 1667/2023)*

-And-

*In the matter of : **Madhab Mandal @ Madhab Chandra Mandal***

... .. Petitioner

*Mr. Falguni Bandyopadhyay,
Ms. Riya Ballav, Advocate
... .. For the Petitioner*

*Mr. Joydeep Roy, JGA
Mr. Amanul Islam, 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.

Learned advocate appearing for the petitioner submits that the incident arose due to the victim cutting down the tree belonging to the petitioner.

We perused the materials in the case diary.

A person suffered injury which was classified as grievous hurt on the ground that fracture was suspected.

There are no materials in the case diary suggesting that the suspected fracture was subsequently found to be present.

Considering the gravity of the offence and the involvement of the petitioner in the incident as transpiring from the materials in the case diary, we confirm the interim order granted on October 16, 2023.

Consequently, we grant anticipatory bail to the petitioner.

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 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 shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4610 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)