

08.01.2024

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Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4638 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sagardighi** Police Station Case No. **170** of **2023** dated **11.5.2023** under Sections 341/326/307/34 of the Indian penal Code.

And

In Re : Ramjan Sk. & Anr.

..... petitioners

Ms. Shabana Hasin

....for the petitioners

Ms. Faria Hossain

Mr. Anand Keshari

...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 petitioners were 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.

We perused the materials in the case diary.

One person suffered grievous hurt. He recorded his statement under Section 161 Cr.P.C. where he implicates one Alijan Sk. as the person who assaulted him with an iron object on his head leading to the grievous hurt.

The petitioner nos. 1 and 2 apparently are not named as persons who inflicted such injury on the victim.

Police filed charge sheet.

In such circumstances, 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 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

