

08.01.2024

76
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4648 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **270** of **2023** dated **28.07.2023** under Sections 448/325/326/307/354(b)/34 of the Indian penal Code.

And

In Re : Hasanur Sk. & Ors.

..... petitioners

Mr. Rana Mukhopadhyay

....for the petitioners

Mr. Saibal Bapuli

Ms. Sayanti Santra

...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.

We find that one person suffered cut injury in a physical assault. The cut injury was (2 x 1) cm. on the left side of the forehead.

Considering the gravity of the offence and the involvement of the petitioners in the incident, 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 further condition that the petitioner no. 1 to 3 shall meet before the Investigating Officer once a month till the conclusion of the investigation and the petitioner no. 4 will cooperate with the investigation till the conclusion of the 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 petitioner 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.)

