

08.01.2024

Item No. 90

Ct. No. 29

Sb/cp

Allowed

C.R.M.(A) 4671 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jagacha** Police Station Case No. **368 of 2022** dated **01.12.2022** under Sections **341, 326, 307, 506 and 34** of the Indian Penal Code.

And

In the matter of : Asiranjan @ Sasi Samanta

..... petitioner

Mr. Manabendranath Bandyopadhyay

Mr. Shaheb Sadhukhan

Mr. Sumit Shaw

Ms. Snigdha Ghosh

Mr. Shivam Saha

Ms. S. De

....for the petitioner.

Mr. Debapriya Majumdar

....for the de-facto complainant.

Mr. Joydeep Roy

Mr. Amanul Islam

....for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 17, 2023.

By such order, the Coordinate Bench granted interim anticipatory bail to the petitioner.

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.

We perused the materials in the case diary.

An injured suffered fracture injury on his scalp. He recorded statement under Section 164 of the Criminal

Procedure Code. In such statement he recorded that Prosenjit Samanta caused the fracture on his head.

Since the injured did not implicate the petitioner in rendering the blow which led to the fracture on the scalp of the injured, we deem it appropriate to confirm the interim order dated October 17, 2023. In such circumstances 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. Petitioner will report before the Investigating Officer once in a month till the conclusion of investigation and on 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4671 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)