

08.01.2024
Item No. 101
Ct. No. 29
Sb/cp
Allowed

C.R.M.(A) No. 4688 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bharatpur** Police Station Case No. **242 of 2023** dated **09.07.2023** under Sections **341, 323, 325, 308 and 34** of the Indian Penal Code.

And

In the matter of : Dipak Biswas & Ors.

..... petitioners

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar

....for the petitioners.

Mr. Abhra Mukherjee
Mr. Gautam Banerjee

....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 petitioners.

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.

We find that three persons suffered injuries. None of the injuries were classified as grievous hurt. The injuries suffered were through physical assault.

Under such circumstances, we confirm the interim order dated October 17, 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/- (Rupees Ten Thousand only) 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. The petitioners will report before the Investigating Officer once in a month till the conclusion of 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4688 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)