

08.01.2024
ML.104
Court No.29
(AD)
(Allowed)

C.R.M. (A) 4693 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No.**310 of 2023** dated **10.04.2023** under Sections **341/326/307/354/379/34** of the Indian Penal Code, 1860, [G.R. Case No.961 of 2023].

And

In the matter of: **Arjaul Hoque @ Arjabul Hoque & Anr.**

....petitioners.

Mr. Musharraf Alam Sk.

Mr. Sujoy Sarkar

Ms. Suszmita Ghorai

... for the petitioners.

Mr. Abhra Mukherjee

Mr. Gautuam Banerjee

...for the State.

Ms. Minoti Gomes

... for the de facto complainant.

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

By such order, an interim anticipatory bail was granted to the petitioners.

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

We perused the materials in the case diary.

Four persons suffered injuries in an incident of assault.

The incident apparently took place amongst co-sharers.

Apart from one person suffering deep cut injuries on head, others were classified as simple injuries. Even, the deep cut injury was not classified as grievous hurt.

In 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before the Investigating Officer once a month 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4693 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)