

08.01.2024
ML.107
Court No.29
(AD)
(Allowed)

C.R.M. (A) 4696 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jhargram** Police Station Case No. **189 of 2023** dated **16.07.2023** under Sections **447/323/325/307/34** of the Indian Penal Code, 1860 (corresponding to G.R. Case No.709 of 2023).

And

In the matter of: **Kush @ Kus @ Kusha Garai & Anr.**

....petitioners.

Mr. Rajashree Tah ...for the petitioners.

Mr. Debabrata Chatterjee, Ld. APP
Mr. Santanu Chatterjee

...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 petitioners were enlarged on interim anticipatory bail by the Coordinate Bench.

It is submitted at the bar that such prayer for interim anticipatory bail was granted without considering the materials in the case diary and just prior to the ensuing puja vacation.

We perused the materials in the case diary.

In an incident of assault, the injured suffered head injury. Such injury was not classified as grievous hurt.

Police filed charge sheet.

Considering the gravity of the offence and the involvement of the petitioners therein, 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

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.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4696 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)