

09.01.2024

209
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4752 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Daspur** Police Station Case No. **284** of **2021** dated **02.06.2021** under Sections 143/341/323/325/307/354/506 of the Indian penal Code.

And

In Re : Sariful Mallick @ Mahhamad Sarif Mallick
@ Md Sarif Mallick & Ors.

..... petitioners

Mr. Dipayan Chatterjee

Mr. Sananda Bhattacharya

....for the petitioners

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 the Coordinate Bench.

By such order dated October 17, 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.

Police filed charge sheet.

Apparently a free fight took place between the private parties. The injuries suffered were 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/- 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 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)