

09.01.2024

210
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4753 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nalhati** Police Station Case No. **277** of **2023** dated **23.08.2023** under Sections 307/506/34 of the Indian penal Code.

And

In Re : Janmahammad Sekh & Ors.

..... petitioners

Mr. Rajendra Banerjee

Ms. Ipsita Ghosh

....for the petitioners

Mr. Tanmoy Kumar Ghosh, Ld. S.G.A.,

Ms. Pritha Paul

...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.

Two persons suffered injuries which were not classified as grievous hurt.

There is about 41 days delay in the lodgement of the FIR.

Considering the gravity of the offence and the involvement of the petitioners therein and considering the delay in the

lodgement of the FIR, 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 will meet 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

