

09.01.2024

Item No.152(M.L.)

Ct.No.29

dc./srm

Allowed

C.R.M. (A) 4776 of 2023

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Satahata Police Station Case No. 229 of 2023 dated 25.06.2023 under Sections 307/323/325/326/354/379/447/506/34 of the Indian Penal Code.

And

In Re : **Sukdeb Mandal & Anr.** ... Petitioners.

Mr. Soumik Ganguli,
Mr. S. Nandy ... For the Petitioners.

Mr. Tanmoy Kumar Ghosh,
Ms. Sonali Bhar ... For the State.

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.

In an incident of assault one person suffered dislocation of the right shoulder.

There is a civil suit pending between the private parties.

There is an order of injunction passed by the civil court. In respect of the same incident there is a counter police complaint.

Some of the co-accused were granted bail by the jurisdictional court.

Considering the gravity of the offence and involvement of the petitioners in the incident and considering the fact that there are preexisting civil dispute between the parties which led to the incident, 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 further 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.

The application for anticipatory bail is, thus, allowed.

CRM(A) 4776 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)