

09.01.2024

Serial no. ML 189

Anticipatory Bail

[Allowed]

Dd

CRM (A) 4830 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **1199** of **2023** dated **06.09.2023** under Sections **341/325/308/34** of the Indian Penal Code, 1860.*

(G.R. Case No. .. /)

-And-

In the matter of : **Ali Hasan @ Ali Husen & Ors.**

... .. Petitioners

*Mr. Arnab Chatterjee,
Ms. Roma Roy,
Ms. Dhanasree Biswas,
Ms. Poulami Bose, Advocates
... .. For the Petitioners*

*Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan, Advocates
... ..For the State*

Leave granted to the learned advocate on record of the petitioners to make necessary corrections.

Petition is taken up for consideration subsequent to order dated October 17, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

Although, the police case was initiated, *inter alia*, under Section 8 of the POCSO Act, subsequently, such provisions were dropped.

An incident of assault took place between the private parties. Apparently, there are pre-existing disputes with regard to immovable properties.

None of the injured suffered grievous hurt.

In such circumstances, we confirm the interim order granted on October 17, 2023.

Consequently, we grant anticipatory bail to the petitioners.

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 be 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 shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 4830 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)