

24.01.2024
DL.44
Court No.29
(AD)
(Partly
Allowed)

C.R.M. (A) 5012 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Phoolbagan** Police Station Case No.**170 of 2023** dated **19.10.2023** under Sections **326/427/114** of the Indian Penal Code, 1860.

And

In the matter of: **Bikram Kumar Sharma & Anr.**

....petitioners.

Mr. Kamal Das
Ms. Shweta Singh
Ms. Dipanwita Das

... for the petitioners.

Mr. Goutam Silson

...for the State.

Mr. Antarikhya Basu

... for the de facto complainant.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the de facto complainant is a dealer of a lottery. Petitioners and the neighbourhood protested against the business of the de facto complainant whereupon an incident of assault took place.

Learned Advocate appearing for the State draws the attention of the Court to the injury reports.

Learned Advocate appearing for the de facto complainant submits that the petitioners are involved in a subsequent incident of assault on a police personnel. He relies upon copy of the first information report with regard thereto.

In the present police case, two persons suffered injuries.

One of the injured suffered injuries on the right eye.

There is a subsequent police complaint as against the petitioner no.1 with regard to an assault on a police personnel.

Considering the antecedent of the petitioner no.1 and the involvement in the present police case, we are unable to grant

anticipatory bail to the petitioner no.1, namely, Bikram Kumar Sharma.

Accordingly, the prayer for anticipatory bail of the petitioner no.1, namely, Bikram Kumar Sharma, is rejected.

So far as the petitioner no.2, namely, Rajesh Sharma, is concerned, considering the nature of the injury in the incident, we grant anticipatory bail to him.

Accordingly, we direct that in the event of arrest, the petitioner no.2 shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no.2 will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner no.2 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 petitioner no.2 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner no.2, namely, Rajesh Sharma, is allowed.

C.R.M. (A) 5012 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)