

21.03.2024
DL-56
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5222 of 2023
With
IA No.: CRAN 1 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kushmandi** Police Station Case No.175 of 2023 dated 13.07.2023 under Sections **448/325/326/307/34** of the Indian Penal Code, 1860 currently pending before the Learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur. (G.R. Case No.732 of 2023)

And

In the matter of: **Fairul Hoque & Anr.**

....petitioners

Mr. Mazhar Hossain Chowdhury

...for the petitioners.

Ms. Faria Holssain, Ld. APP
Ms. Suparna Chatterjee

... for the State.

Mr. Sujoy Sarkar

... for the State in IA No.: CRAN 1 of 2024.

IA No.: CRAN 1 of 2024 is an application for restoration.

For the ends of justice, the causes shown in the application for restoration are accepted as sufficient and the order dated January 30, 2024 dismissing CRM (A) 5222 of 2023 is recalled.

IA No.: CRAN 1 of 2024 is allowed.

CRM (A) 5222 of 2023 is restored to its original file and number.

CRM (A) 5222 of 2023 is treated as on day's list.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

It appears from the case diary that, four persons suffered injuries. One suffered fracture of the temporal bone. Another injured suffered stab injury. Two other injured persons received simple hurt.

Police filed charge sheet.

Since, none of the injuries are at the vital part of the body of the injured and since police filed charge sheet, we do not find requirement of placing the petitioners in custody.

In such circumstances, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 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 prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 5222 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)