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31.01.2024

CRM (A) 5261 of 2023

In re : An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Daspur Police Station Case No. 501 of 2023 dated 02.09.2023 under Sections 341/323/307/354/506/34 of the Indian Penal Code.

-And-

In the matter of : Arabinda Maji

... ..petitioner

Md. Sabir Ahamed
Mr. Tasnim Ahamed
Mr. Bhaskar Hutait
Mr. Dhiman Banerjee

... .. for the petitioner

Mr. Joydeep Roy
Ms. Sayanti Santra

... ...For the State

Mr. Snehasis Jana

... .. for the de facto complainant

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner is the driver of a toto vehicle. There was an incident of assault on the previous evening with regard to hire. Subsequently, the next date a reconciliation meeting was called whereupon, an incident of assault took place. Petitioner was assaulted and was required to be treated at different hospitals.

Learned advocate appearing for the State draws the attention to the Court to the materials in the case diary including the injury report and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

De facto complainant is represented.

Apparently, petitioner is a toto driver. Passengers boarded his vehicle for onward journey. There was a dispute with regard to the quantum of hire payable and an altercation took place. Subsequently a meeting was convened on the next date for reconciling the dispute. In such meeting an incident of assault took place. Two persons suffered injuries. Both the injuries were classified as simple.

Ladies were present at the meeting.

Allegation of outraging of modesty as levelled by the de facto complainant, in the gathering, as in the present police case is debatable.

Police filed charge-sheet.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner 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 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 petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

Hence, the application for anticipatory bail is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)