

20.02.2024
ML-575
Court No.29
(AD)
(Partly
Allowed)

C.R.M. (A) 5658 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sabang** Police Station Case No. **245 of 2023** dated **01.09.2023** whereby Charge Sheet has been submitted under Sections **341/323/325/307/506/34** of the Indian Penal Code, 1860 and adding Section **326** of the Indian Penal Code. (G.R. Case No.2595 of 2023).

And

In the matter of: **Subrata Bera & Ors.**

....petitioners.

Mr. Soumyajit Das Mahapatra
Ms. Madhuri Sinha

...for the petitioners.

Mr. Provash Bhattacharya
Ms. Mamata Jana

... for the State.

C.R.M. (A) 5658 of 2023 is dismissed as infructuous so far as the petitioner no.13 (Sanjay Maity) is concerned since he was arrested.

In an incident of assault, one person suffered injury. Initial injury report states that there was no external cut injury. Patient suffered severe chest pain due to trauma and respiratory distress.

The first injury report is dated August 31, 2023. There is a subsequent medical document of September 5, 2023 relating to pain in the abdomen of the victim.

As to whether, the pain in the abdomen developed due to the incident of assault or not, may be decided at the trial.

Since the initial injury report does not throw up any injury suggesting grievous hurt to the victim and considering the fact that the police filed charge sheet, we grant anticipatory bail to the petitioner no.1 (Subrata Bera), Petitioner no.2 (Achinta Bhunia), Petitioner no.3 (Raghunath Maji), Petitioner no.4 (Manaranjan

Bera), Petitioner no.5 (Pabitra Jana), Petitioner no.6 (Gobinda Maji), Petitioner no.7 (Mrityunjay Bera), Petitioner no.8 (Surajit Maity), Petitioner no.9 (Dibakar Choudhary), Petitioner no.10 (Tapan Barman), Petitioner no.11 (Ranjan Hazra), Petitioner no.12 (Sambhu Charan Bera), Petitioner no.14 (Haradhan Bhanja), Petitioner no.15 (Ramakanta Das @ Rama Kanta Das).

Accordingly, we direct that in the event of arrest, the petitioner nos.1,2,3,4,5,6,7,8,9,10,11,12,14 and 15 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 petitioner nos.1,2,3,4,5,6,7,8,9,10,11,12,14 and 15 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 nos.1,2,3,4,5,6,7,8,9,10,11,12,14 and 15 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner nos.1,2,3,4,5,6,7,8,9,10,11,12,14 and 15 is allowed.

C.R.M. (A) 5658 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)