

33 04.01.2024
(AD) Court No.29
(Allowed)

C.R.M. (A) 5717 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** P.S. Case No.**607 of 2023** dated **15/10/2023** corresponding to G.R. Case No.7035/2023 under Sections **341/325/326/307/506/34** of the Indian Penal Code, 1860,

And

In the matter of: **Nurul Haque @ Nurul Mia & Ors.**

....petitioners.

Md. Wasim Akram

...for the petitioners.

Ms. Sonali Das

...for the State.

In an incident of assault, the injured suffered head and back trauma injuries.

The injured, however, claimed that he was assaulted by wooden stick, iron rod and sharp cutting weapon. Injury report does not demonstrate any injury inflicted by a sharp cutting weapon.

The injured suffered fracture of the shaft of Ulna.

The injured recorded a statement under Section 161 of the Code of Criminal Procedure where he did not ascribe any specific role to any of the assailants.

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 further condition that the petitioner no.1 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner nos.2 to 6 will cooperate with the investigation till the conclusion of the investigation 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) 5717 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)