

05.01.2024

Serial no. 60

Anticipatory Bail

[Allowed]

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CRM (A) 1 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **1402** of **2023** dated **15.10.2023** under Sections **341/325/307/379/34** of the Indian Penal Code, 1860.*

(G.R. Case No. 3368/2023)

-And-

In the matter of : **Nurul Islam @ Sk. Nurul Islam & Ors.**

... .. Petitioners

Mr. Mritunjoy Chatterjee,

Mr. Amdadul Hoque,

Mr. Arindom Promanik, Advocates

... .. For the Petitioners

Mr. Partha Pratim Das,

Ms. Ayantika Roy, Advocates

... ..For the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated. He refers to the contents of the first information report. He submits that there are previous animosity between the petitioners and the de facto complainant.

Learned advocate for the State refers to the injury report as also to the statements recorded under Section 161 of the Criminal Procedure Code. He submits that the injured was assaulted on October 15, 2023. After the injured was released from the hospital on October 15, 2023, and when he came to the locality on October 20, 2023, he was again assaulted. The petitioners before the Court are local rowdies.

We perused the materials in the case diary.

The police complaint speaks of previous animosity.

In the present police case, the injured did not suffer grievous hurt.

Some of the accuseds are ladies.

The injured is yet to record a statement.

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

In view of the materials in the case diary, it would be appropriate to direct that all the petitioners will reside within the jurisdiction of the local police station till completion of the investigation save and except for the purpose of report to the Investigating Officer and attending the jurisdictional Court. Petitioner will inform the Investigating Officer as also the jurisdictional Court as to the place of residence.

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 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 petitioners shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 1 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

