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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (A) No. 409 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kotwali (Cooch Behar) Police Station Case No. 116 of 2024 dated 04.02.2024 under Sections 341/325/326/308/34 of the Indian Penal Code.

And

In Re : Dr. Md. Wasim Raja Mondal petitioner

Mr. Sourav Chatterjee
Mr. Aditya Tiwari
Mr. Chandan Shaikh
Mr. Satyajit Paul

.....for the petitioner

Mr. Kallol Acharjee
Mr. Subharish Misra

....for the State

1. Learned Counsel for the petitioner submits he is a doctor who is presently posted at M.J.N. Medical College and Hospital, Coogh Behar. On 03.02.2004 a dinner party had been arranged in his chamber. Injured victim in an inebriated condition came to the dinner party and assaulted one Prasanta Banerjee. He also damaged the petitioner's vehicle. In order to prevent further damage victim was resisted. An FIR was lodged against him. In retaliation present case has been lodged implicating the petitioner. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. We have also gone through the materials in the case registered by the petitioner. On an overall estimation of the statements of the witnesses recorded in both the cases it appears there was a skirmish between the petitioner and his associates on one hand and the victim on the other hand. As a result victim had suffered injuries. He contends in his statement before the learned Magistrate that he left the spot in his motor cycle but became unconscious. He was taken to MGN College and Hospital and thereafter shifted to a private nursing home. In the medical papers of the private nursing home history of injury is initially recorded as a road traffic accident. Thereafter it is stated that victim had been initially assaulted by unknown persons. The aforesaid materials give an impression that victim had injuries in course of skirmish and thereafter tried to leave the spot in his motor cycle. He became unconscious and fell down. Subsequent fall may have exacerbated the nature of injuries suffered by the victim. That apart, the initial report of the medical institution does not disclose identity of the petitioner as the assailant. Admittedly petitioner was known to the injured. Petitioner had lodged an earlier criminal case. Possibility of false implication of the petitioner cannot be ruled out. Injured victim has recovered and is out of danger. Investigation is complete. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

4. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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 condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)