

03.03.2025

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Allowed

C.R.M. (A) No. 728 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Gazole Police Station Case No. 318 of 2024 dated 29.04.2024 under Sections 447/341/324/325/307/427/506/34 of the Indian Penal Code.

And

In Re : Sariful Islam @ Faruk & Anr. petitioners

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

.....for the petitioners

Ms. Shaila Afreen

Ms. Debjani Sahu

....for the State

Ms. Poulami Bose

.... for the de facto complainant

1. Learned Counsel for the petitioners submits there was a free fight between the parties. Case and counter case have been registered. They pray for anticipatory bail.

2. Learned Counsel for the State and *de facto* complainant oppose the prayer for anticipatory bail.

3. We have considered the materials on record including the allegations in the FIR and statements of the witnesses. In respect of petitioner no. 1 it is alleged he had encouraged co-accused and tried to throttle one of the victims. Petitioner no. 2 is alleged to have assaulted with a *hasua* – a sharp cutting weapon. Injury report does not disclose any injury on the throat nor does it indicate any incised wound caused by

a sharp cutting weapon. It discloses a fracture which could not have been caused by *hasua*. Petitioners had suffered injuries in the fight. Accordingly, we are inclined to grant anticipatory bail to the petitioners.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that they shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)