

30.05.2024
Item No.52
Ct. No. 8
CHC/S. De
Allowed
Vacation Bench

C.R.M.(A) 1911 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **63/2023** dated **13.02.2023** under Sections **341, 326, 307, 34** of the Indian Penal Code, pending before the Learned Additional Chief Judicial Magistrate, Malda.

And

In the matter of : Bikram Musahar & ors.

..... petitioners

Mr. Sagar Saha

....for the petitioners

Mrs. Sujata Das,

Mr. Santanu Deb Roy

....for the State

Learned advocate appearing for the petitioners submits that the principal accused has already been granted bail in connection with the instant case and the present petitioners have been implicated only because they are sons of the principal accused.

Learned advocate appearing for the State has produced the medical report as well as the statements of the witnesses including that of the victim.

We have also taken into account the fact that the investigation of the case has been concluded and charge-sheet has been submitted before the jurisdictional Court.

Having regard to the overall circumstances of the case, we are of the view that the custodial detention and/or interrogation in connection with the instant case is unwarranted.

Accordingly, the prayer for anticipatory bail is allowed.

Thus, in case 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. If on bail, the petitioners shall make themselves available before the learned Trial Court or the Court in seisin in Ratua Police Station Case No.63/2023.

Learned Magistrate or the Court in seisin of the matter while accepting the bonds of the present petitioners would be at liberty to impose further condition as it deem fit and proper. The aforesaid conditions are also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, allowed.

CRM(A) 1911 of 2024 is disposed of.

(Tirthankar Ghosh, J.)

(Biswaroop Chowdhury, J.)