

In the Court of Sessions Judge, Murshidabad

Present : **Sri Bhaskar Bhattacharjee,**
Sessions Judge, Murshidabad
(WB00640)

Crl. Misc. Case No. 5205/2023

Re: Application for bail under Section **438** of the Code of Criminal Procedure in connection with **Domkal PS Case No. 627/2023, dated 10.09.2023** under sections 341/325/308/354/34 of the Indian Penal Code

Accused/petitioner(s)

- 1) Hafijul Mondal @ Md. Hafijul Islam**
- 2) Tofejul Mondal @ Tafejul Islam Sk**

Versus

Opposite Party

State of West Bengal

Order no. 3, dated 03.10.2023

This day is fixed for hearing the application for anticipatory bail under section 438 Cr.P.C in respect of petitioners named above in connection with the above noted case.

IO has submitted a report regarding pendency or rejection of any proceeding, either u/s 438 or 439 Cr.P.C before the Hon'ble Court or before any other superior court.

Learned Advocate appearing for the petitioners named above is present and submits that no application for bail under Section 438 Cr.P.C has been preferred, rejected or pending before any higher forum in respect of the present petitioners and to that effect an affidavit has been filed.

Learned Public Prosecutor, in-charge, also conceded to the submission as advanced by the Learned Advocate appearing for the petitioners regarding the pendency or earlier rejection of the identical applications concerning the present petitioners in any higher forum.

Learned Advocate appearing for the petitioners submits that these petitioners are innocent and have been falsely implicated in this case out of animosity. It is his further contention that notice u/s 41A Cr.P.C have been issued against the petitioners. Hence, he prays for anticipatory bail of the petitioners.

Learned Public Prosecutor raises objection.

Heard learned Advocate for the petitioners as well as learned Public Prosecutor, in-charge.

Perused the case record and the case diary and the materials therein including the injury report.

Having considered the submissions made by both sides and on perusal of the materials in the case diary and keeping in view the nature of allegation made and the role played by the present accused petitioners in the commission of the alleged offence and considering the injury report at page No. 16 wherein the attending medical officer observed "No Specific Injury Seen" and having regard to the fact that notice u/s 41A has been issued upon the present petitioners, it appears to this Court that custodial interrogation of the petitioners is not required and hence, it is a fit case where anticipatory bail under section 438 of the Code of Criminal Procedure can be granted to the petitioners.

Hence, in the event of arrest the petitioners named above shall be released on bail by the arresting officer on furnishing bail bond of **Rs. 5000/-** each with two sureties of **Rs. 2500/-** each.

If released on bail, the petitioners shall comply with the conditions mentioned in section 438 (2) of the Code of Criminal Procedure.

The Criminal Misc. Case is thus disposed of.

Return the LCR and the CD.

Dictated and Corrected by me

Sessions Judge, Msd.

Sessions Judge, Murshidabad