

13.12.2021
Serial no. 132
Dd

(Through Video Conference)

CRM 5205 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **727** of **2020** dated **29.11.2020** under Sections **448/323/324/308/354/379/427/34** of the Indian Penal Code (G.R. Case No. **5482 of 2020**)

-And-

In the matter of : **Nasirul Sk @ Masirul Sk & Anr.**
... Petitioners

Mr. Kalidas Saha, Advocate
... .. For the Petitioners

Mr. P. K. Dutta, APP
Mr. Santanu Deb Roy, Advocates
... ..For the State

It is submitted on behalf of the petitioners that the incident occurred over a land transaction. They have been falsely implicated.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record as well as statement of witnesses disclosing the role of petitioner no. 1, Nasirul Sk @ Masirul Sk., in assaulting the victims particularly Jomirul Sk. Hence, we are not inclined to grant anticipatory bail to him. However, keeping in mind the extent of complicity of petitioner no. 2 in the alleged crime and as the possibility of false implication of the womenfolk in the family due to her prior enmity cannot be wholly ruled out, we are inclined to grant anticipatory bail to her.

Accordingly, we direct that in the event of arrest the petitioner no. 2, Rojina Bibi @ Rojina Khatun, shall be

released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 petitioner no. 2 shall appear before the Court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, **partly allowed.**

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)