

14.12.2021
Sl. No.81
akd
[PARTLY
ALLOWED]

C. R. M. 5653 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 24.08.2021 in connection with Khanakul Police Station Case No. 226 of 2021 dated 02.06.2021 under Sections 341/325/326/307/354/379/506/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re: **Masedul Alam Mallick @ Masedul Ali Mallick @ Baichung & Ors.**
... .. Petitioners

Mr. Niladri Sekhar Ghosh
Sk. Selim Malik

... .. for the petitioners

Ms. Sayanti Santra

... .. for the State

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case. Co-accused persons have been granted pre-arrest bail by the court below.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioners conjointly assaulted the victim resulting in severe fracture wounds and hospitalisation.

We have considered the materials on record. Statements of witnesses including the injured witness disclose role of the petitioner nos.2 & 3 in assaulting the injured who suffered several fracture wounds and was hospitalised. In view of the gravity of the offence and prima facie involvement of the petitioner nos.2 & 3 in the alleged crime, we are of the opinion that this is not a fit case to grant anticipatory bail to them.

Accordingly, the prayer for anticipatory bail of the accused/petitioner nos.2 & 3 namely, **(2) Md. Ismile Mallick @ Ismile Mallick & (3) Sk. Sakib Hossein @ Sakib Mallick** is rejected.

However, keeping in mind the extent of complicity of the petitioner no.1 in the alleged crime, we are inclined in granting anticipatory bail to him.

Accordingly, we direct that in the event of arrest, the accused/petitioner no.1 namely **(1) Masedul Alam Mallick @ Masedul Ali Mallick @ Baichung**, be released on bail upon furnishing 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 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.1 shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)