

21.12.2021
SI. No.104
akd
[PARTLY
ALLOWED]

C. R. M. 8640 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 14.12.2021 in connection with Raiganj Police Station Case No. 707 of 2021 dated 27.08.2021 under Sections 448/341/325/307/34 of the Indian Penal Code. (G.R. Case No.1974 of 2021)

And

In Re: **Salema Khatun @ Salo Khatun & Ors.**

... .. Petitioners

Ms. Devi Priya Mitra

... .. for the petitioners

Mr. Bidyut Kr. Roy

Mr. Pratick Bose

... .. for the State

It is submitted on behalf of the petitioners that there was a dispute amongst neighbours over construction of a boundary wall and they have been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. We note petitioner no.6 assaulted one of the victims namely, Mumtaj with an iron rod on the head. Hence, we are not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the accused/petitioner no.6 namely, **(6) Samidul Rahaman** is rejected.

However, keeping in mind the extent of complicity of the petitioner nos.1, 2, 3, 4, 5, 7 & 8 in the alleged crime which occurred in course of a free fight, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the accused/petitioner nos. 1, 2, 3, 4, 5, 7 & 8 namely **(1) Salema Khatun**

@ Salo Khatun, (2) Jahanara Khatun, (3) Fuljan Khatun @ Kulsum Khatun, (4) Moslema Khatun, (5) Abena Khatun, (7) Akbar Ali & (8) Anju Ali, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) 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 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 1, 2, 3, 4, 5, 7 & 8 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.)