

21.12.2021
SL No.9
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1179 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Sahebganj Police Station Case No.360 of 2021 dated 26/07/2021 under Sections 341/326/307/34 of the Indian Penal Code.

And

In the matter of : **Anowar Hossain Miah @ Anowar Miah @
Anawar Miah (Hossain) & Ors.**

- Petitioners.

Mr. Sudip Guha,

... For the Petitioners.

Mr. A.K. Sarkar,

Mr. Tapan Bhattacharjee,

... For the State.

The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and draws our attention to the injury report and the statement of the independent witnesses recorded under Section 161 of the Code of Criminal Procedure.

Considering the materials available on record and more particularly the injury report which appears to be serious in nature and the nature and involvement of the petitioner Nos.1 and 2 in the commission of alleged offence as well as the statement of the independent witnesses under Section 161 of the Cr.P.C., we

are not inclined to grant anticipatory bail to the petitioner Nos.1 and 2. However, the prayer for anticipatory bail to the petitioner Nos.1 and 2 is rejected. But the prayer for anticipatory bail to the Petitioner No.3 is granted. Accordingly, the prayer for anticipatory bail of the petitioners is partly allowed.

Accordingly, we direct that in the event of arrest the petitioner No.3, namely, **Anowara Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No.1179 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)

(Soumen Sen, J.)