

07.01.2022
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Partly allowed

C.R.M.(A) No. 50 of 2022
(via video conferencing)

In Re.: An application under Section 438 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 1219 of 2021 dated 18.09.2021 under Sections 341/326/506/34 of the Indian Penal Code.

And

In Re : Muntaj Sk. & Ors. petitioners

Mr. Kazi Mokhlasur Rahman
... for the petitioners

Mr. Prasun Kumar Dutta, learned APP
Mr. Subrato Roy
... for the State

Petitioner no. 2 has already been arrested.

Accordingly, application for anticipatory bail in so far as the petitioner no. 2 concerned is dismissed as infructuous.

Having considered materials on record and bearing in mind primary role played by the petitioner no. 1 in the alleged assault, we are not inclined to grant anticipatory bail to him.

The application for anticipatory bail in so far as petitioner no. 1 concerned is, thus, rejected.

However, keeping in mind the extent of complicity of the petitioner no. 3 in the alleged crime, we are inclined to grant anticipatory bail to him.

Accordingly, we direct that in the event of arrest the petitioner no. 3 i.e. Nimajul Sk. shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 he shall appear before the court below and pray for regular bail within a period of four weeks from date.

Accordingly, application for anticipatory bail is allowed so far as petitioner no. 3 i.e. Nimajul Sk. is concerned.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)