

CRM (A) 844 of 2022

In re: An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 16.02.2022 in connection with English Bazar P.S. Case No. 19 of 2022 dated 05.01.2022 under Sections 341/323/376/511/34 of the Indian Penal Code.

-And-

In the matter of : **Munna Sk. & Ors.**

... ...Petitioners

Mr. Rana Mukhopadhyay, Advocate

... ... For the Petitioners

Mr. Shiladitya Banerjee, Advocate

... ... For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that petitioner no. 1 was arrested and, therefore, he is not pressing the application on his behalf.

Accordingly, CRM (A) 844 of 2022 is dismissed as not pressed so far as petitioner no. 1 is concerned.

So far as other petitioners are concerned, he submits that the prayer for anticipatory bail should be considered.

Learned Advocate appearing for the State draws the attention to the injury report of the victim and her statement recorded under Section 164 of the Code of Criminal Procedure.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim implicates the first petitioner. There is however hardly any material against the two other petitioners in such statement.

Considering the gravity of the offence and the involvement of the petitioner nos. 2 and 3 therein and considering the statement recorded under Section 164 of the Code of Criminal Procedure, we are inclined to grant anticipatory bail to the petitioner nos. 2 (Kohinura Bibi) and 3 (Nofisa Bibi @ Natisa Bibi).

Accordingly, we direct that in the event of arrest, the petitioner nos. 2 (Kohinura Bibi) and 3 (Nofisa Bibi @ Natisa Bibi) shall be released on bail upon furnishing a 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos. 2 and 3 shall cooperate with the investigation and on condition that the petitioner nos. 2 and 3 shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail is partly allowed.

CRM (A) 844 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)