

01.03.2022

Serial no. 21

Dd

CRM (A) 1009 of 2022

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **260** of **2021** dated **04.06.2021** under Sections **448/324/325/326/307/34** of the Indian Penal Code and added Section **302** of the Penal Code.

-And-

In the matter of : **Ruhul Sk. & Anr.**

... Petitioners

Mr. Arup Kumar Bhowmik, Advocate
... ... For the Petitioners

Mr. Tanmay Kr. Ghosh,
Mr. Arindam Sen, Advocates
... ...For the State

Leave is granted to the learned advocate for the petitioners to correct the cause title.

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the police filed charge sheet adding Section 302 of the Indian Penal Code. Since police filed charge sheet, custodial interrogation of the petitioners is not required.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary which demonstrates the involvement of the petitioners.

It appears from the statement of the eye-witness recorded under Section 161 of the Code of Criminal Procedure that the petitioner no. 1 was involved in the incident. So far as the petitioner no. 2 is concerned, the statement is not so clear as to her involvement.

In such circumstances, we are not inclined to grant anticipatory bail to the petitioner no. 1, Ruhul Sk. His prayer for anticipatory bail is, therefore, rejected. So far as the petitioner no. 2, Jahanur Bibi @ Jahanara, is concerned, we are inclined to grant anticipatory bail to her. Moreover, police filed charge sheet.

Accordingly, we direct that in the event of arrest the petitioner no. 2 shall be released on bail upon furnishing a 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 be 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. 2 shall appear before the Court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioner no. 2 shall appear before the jurisdictional Court on every date fixed for hearing.

Prayer for anticipatory bail of the petitioners is **partly allowed**.

CRM (A) 1009 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)