

11.03.2022

Serial no. 10

Dd

CRM(A) 1175 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliganj** Police Station Case No. **60** of **2022** dated **28.01.2022** under Sections **341/325/326/307/34** of the Indian Penal Code.

-And-

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

... Petitioners

Mr. Abhijit Kumar Adhya, Advocate

... ... For the Petitioners

Mr. Narayan Prasad Agarwala,

Ms. Subhasree Patel, Advocates

... ...For the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that there was a free fight. There are cases and counter cases among the private parties. The petitioners were falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the injury report of the victim. He submits that the first petitioner dealt with the blow inflicting the injury as transpiring from the statements recorded under Section 161 of the Criminal Procedure Code.

Considering the injury report of the victim which states that the injury was caused by a sharp metal substance and considering the nature of injury and considering the statements recorded under Section 161 of the Criminal Procedure Code which implicate the first petitioner in the incident, we are not inclined to grant anticipatory bail to the first petitioner, **Edai Sk.** So far as the other petitioners are concerned, given the omnibus nature of the allegations, we

are inclined to grant anticipatory bail to them, namely, petitioner nos. 2, **Saddam Sk**; petitioner no. 3, **Chandmahammad Sk**; petitioner no. 4, **Hasir Sk**; petitioner 5, **Mahibul Sk**; petitioner no. 6, **Milan Sk**; petitioner no. 7, **Jakir Sk**; petitioner no. 8, **Mansur Sk**; petitioner no.9, **Karim Sk**; petitioner no. 10, **Jahangir Sk**; petitioner no. 11, **Jaber Sk**; petitioner no. 12, **Jala Sk**; petitioner no. 13, **Khosmahammad Sk. @ Khosu Sk**; petitioner no. 14, **Sekh Nurmahammad @ Nurmahammad Sk**. and petitioner no. 15, **Dhoyabox Sk**.

Accordingly, we direct that in the event of arrest the petitioner nos. 2 to 15 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 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 nos. 2 to 15 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 nos. 2 to 15 shall meet the Investigating Officer once in a fortnight till completion of investigation.

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

CRM(A) 1175 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

