

22.03.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M. (A) 1327 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhagwangola** Police Station Case No. **577** of **2021** dated **13.12.2021** under Sections 341/323/325/326/307/379/506/34 of the Indian Penal Code, 1860.

And

In Re : Habiba Bibi & Ors.

..... petitioners

Mr. Soumyajit Das Mahapatra

Mr. Ali Ahsan Alamgir

Ms. Rabia Khatoon

....for the petitioners

Ms. Faria Hossain

Ms. Sonali Das

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, a mediation meeting turned into a free fight. The petitioners lodged a police complaint prior in point of time. The police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. She submits that, the third petitioner is the person involved in the incident as the main assailant. She draws the attention of the

Court to the injury report of the three victims. She contends that the police are yet to submit the charge-sheet.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the injury report and the statement of the victim recorded under Section 161 of the Code of Criminal Procedure, we are unable to grant anticipatory bail to the petitioner no. 3 (Suraj Jamal @ Achhu Sk.).

So far as the other two petitioners are concerned, considering their gender and their involvement in the incident, we deem it appropriate to grant anticipatory bail to the petitioner nos. 1 (Habiba Bibi) and 2 (Adora Bibi).

Accordingly, we direct that in the event of arrest the petitioner Nos. 1 and 2 shall be released on bail upon furnishing a bond of Rs.10,000/- 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. 1 and 2 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner nos. 1 and 2 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 nos. 1 and 2 in Court including

cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)