

28.03.2022
Serial no. 34
[Dd]
(Anticipatory Bail
Partly Allowed)

CRM(A) 1407 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Paikar** Police Station Case No. **52** of **2022** dated **02.02.2022** under Sections **448/323/324/325/354/307/506/34** of the Indian Penal Code and G.R. Case No. **313 of 2022.**

-And-

In the matter of : **Sima Bibi & Ors.**

... .. Petitioners

Mr. Prosengit Mukherjee,
Mr. Jahangir Hossain,
Ms. Poulami Dutta, Advocates
... .. *For the Petitioners*

Mr. Arijit Ganguly,
Mr. Avik Ghatak, Advocates
... ..*For the State*

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that there is a previous police complaint lodged by the petitioners against the de facto complainant and her family members. As a revenge, the present police complaint was lodged.

Learned advocate appearing for the State draws the attention of the Court to the injury report of the victim and to a statement recorded under Section 161 of the Criminal Procedure Code.

In the present police case, the de facto complainant was pregnant when she suffered injuries. In her statement recorded under Section 161 of the Criminal Procedure Code, she names petitioner no. 3, in particular, to have dealt the blows on her.

Considering the gravity of the offence and the involvement of the petitioners therein, we are not inclined to grant anticipatory bail to petitioner no. 3, Bokul Sk @ Moktarul Sekh. However, we are inclined to grant anticipatory bail to the petitioner nos. 1, Sima Bibi and petitioner no. 2, Abeda Khatun Bibi @ Abeda 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/- (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 petitioner nos. 1 and 2 shall cooperate with the investigation till its completion and on further 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.

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

CRM(A) 1407 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)