

28.03.2022
Serial no. 42
[Dd]
(Anticipatory Bail
Partly Allowed)

CRM(A) 1419 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Labpur** Police Station Case No. **09** of **2022** dated **26th January, 2022** under Sections **341/326/307/506/34** of the Indian Penal Code.(G.R. **77 of 2022**)

-And-

In the matter of : **Md. Anowar Hossain & Ors.**

... .. Petitioners

Mr. Tapas Kr. Ghosh,
Mr. Tanmay Chowdhury, Advocates
... .. For the Petitioners

Mr. Madhusudan Sur, Id. APP
Mr. Monoranjan Mahata, Advocates
... ..For the State

On the prayer of the learned advocate appearing for the petitioners, the present application is dismissed as not pressed so far as the petitioner no. **6, Sk. Sunny Ahamed,** is concerned.

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the police complaint is a result of property disputes. There is a previous police complaint lodged by the petitioners. He refers to the orders granting anticipatory bail in previous matter where, the disputes between the private parties were found to be civil in nature.

Learned advocate appearing for the State draws the attention of the Court to the injury report of the three victims and the statement of the three victims recorded under Section 161 of the Criminal Procedure Code. In response to the query of the Court, learned advocate appearing for the

State submits that the police are yet to submit the charge sheet.

Considering the gravity of the offence and the involvement of the petitioners therein and considering the fact that there is a history of police complaint between the private parties and considering the fact that there is a civil dispute between the private parties, we are inclined to grant anticipatory bail to the petitioner nos. **1, Md. Anowar Hossain;** petitioner no. 2, **Sk. Jane Alam;** petitioner no. 3. **Sk. Jahangir Alam;** petitioner no. 4., **Sk. Abbasuddin;** petitioner no. 5., **Sk. Badiujjman @ Sk. Badizzaman.**

Accordingly, we direct that in the event of arrest the petitioner nos. 1 to 5 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. 1 to 5 shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioner nos. 1 to 5 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 to 5 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) 1419 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)