

05.04.2022
Serial no. 25
[Dd]
(Anticipatory Bail
Partly Allowed)

CRM(A) 1563 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Haringhata** Police Station Case No. **68** of **2022** dated **18.03.2022** under Sections **448 /354 /324 /325 /307 /506 /34** of the Indian Penal Code.

-And-

In the matter of : **Sukhen Hira & Ors.**

... .. Petitioners

Mr. Robiul Islam
Mr. S. A. Munshi, Advocates
... .. *For the Petitioners*

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

Leave is granted to the petitioners to correct the cause title of the petition.

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the incident during Holi festival spiraled into a police complaint falsely implicating the petitioners.

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

Considering the materials in the case diary, it appears that the first petitioner is involved in the incident more than the 2nd and 3rd petitioners. Consequently, we are not inclined to grant anticipatory bail to 1st petitioner, Sukhen Hira. CRM(A) 1563 of 2022 is dismissed so far as the 1st petitioner is concerned.

So far as the 2nd petitioner, Sukesh Hira and 3rd petitioner, Sujoy Hira are concerned, considering their involvement in the incident However, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest the petitioner nos. 2 and 3 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 and 3 shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioner nos. 2 and 3 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. 2 and 3 in Court including cancelling the anticipatory bail granted without further reference to this Court and on further condition that the petitioner nos. 2 and 3 will not enter the jurisdiction of the Haringhata Police Station till conclusion of the investigation and filing of the charge sheet and on further condition that the petitioner nos. 2 and 3 shall inform the Investigating Officer and the jurisdictional Court of their place of residence consequent upon the prayer for anticipatory bail being granted.

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

CRM(A) 1563 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)