

04.05.2022

Sl. 20
Court No.29
Suvayan
(Partly
Allowed)

CRM (A) 2013 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** P.S. Case No. **81/2022** dated **01/03/2022** under Sections **448/325/307/427/34** of the Indian Penal Code.

And

In the matter of: Mahibul Shaikh & Ors.

....petitioners.

Ms. Minoti Gomes
Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioners.

Mr. Prasun Kumar Dutta
Mr. Subrato Roy

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the there was a fight with regard to the destruction of crops.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

One of the injured persons suffered grievous hurt. The First Information Report implicates the third petitioner in the assault.

Considering the involvement of the third petitioner in the incident, we are unable to grant anticipatory bail to the petitioner no.3 (*Hafizul Shaikh @ Hapi Shaikh @ Hafijul Shaikh*).

However, we are grant anticipatory bail to the other petitioners.

Accordingly, we direct that in the event of arrest, the petitioners 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 subject to the conditions as laid down under Section 438(2)

of the Code of Criminal Procedure, 1973 and on condition that the petitioner no.1 (*Mahibul Shaikh*), petitioner no.2 (*Habibul Shaikh*) and petitioner no.6 (*Jumat Shaikh*) will report before the Investigating Officer once in a fortnight and the petitioner no.4 (*Jabirun @ Jabinessa Bibi @ Jabinessa Shaikh*) and petitioner no.5 (*Rabina @ Revina Bibi*) shall co-operate with the Investigating Officer and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner no.1 (*Mahibul Shaikh*), petitioner no.2 (*Habibul Shaikh*), petitioner no.4 (*Jabirun @ Jabinessa Bibi @ Jabinessa Shaikh*), petitioner no.5 (*Rabina @ Revina Bibi*) and petitioner no.6 (*Jumat Shaikh*) is allowed.

CRM (A) 2013 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)