

12.05.2022

19

Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 2133 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **109** of **2022** dated **07.03.2022** under Sections 447/325/308/34 of the Indian Penal Code, 1860.

And

In Re : Md. Sahabuddin @ Md. Sahabuddin Sk & Ors.

..... petitioners

Mr. Sourav Cahtterjee

Mr. Aditya Tiwari

Ms. Namrata Chatterjee

....for the petitioners

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the incident arose out of a boundary dispute.

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

The injured implicates the petitioner no. 4 in the assault.

Considering the severity of the injury of the victim and the 161 Cr.P.C. statement of the victim, we are unable to grant

anticipatory bail to the petitioner no. 4 (Md. Sadaruddin Islahi @ Galib Sk).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 4 is concerned.

However, we grant anticipatory bail to the petitioner nos. 1 (Md. Sahabuddin @ Md. Sahabuddin Sk.), 2 (Md. Abdul Alim @ Abdul Alim) and 3 (Wasim Akram @ Washim Akram).

Accordingly, we direct that in the event of arrest the petitioners 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 petitioners shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation 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.

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

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)