

19.05.2022

27

Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 2265 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **144** of **2022** dated **27.02.2022** under Sections 341/326/307/506/34 of the Indian Penal Code, 1860.

And

In Re : Nilam Bibi @ Nilam Khatun & Anr.

..... petitioners

Ms. Minoti Gomes

Mr. Imdadul Haque

....for the petitioners

Mr. S. G.Mukherjee, learned Public Prosecutor

Mr. Partha Pratim Das

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. They reside at a different place.

Learned advocate appearing for the State submits that, the victim suffered grievous hurt. The petitioner no. 2 is involved in the incident.

So far as the petitioner no. 2 (Anisur Rahaman @ Anesul) is concerned, considering the materials in the case diary, the gravity of the offence and the involvement of the petitioner therein, we are unable to grant anticipatory bail to the petitioner no. 2.

In such circumstances, CRM(A) 2265 of 2022 is dismissed as not pressed so far as the petitioner no. 2 is concerned.

Considering the fact that overt act can be attributed to the 1st petitioner (Nilam Bibi @ Nilam Khatun), we grant anticipatory bail to the petitioner no. 1.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner 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 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.)

(Bivas Pattanayak, J.)

