

07.06.2022
SI. No.64
akd
[PARTLY
ALLOWED]

C. R. M. (A) 2370 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.05.2022 in connection with Chanditala Police Station Case No. 21 of 2022 dated 20.01.2022 under Sections 341/323/325/307/506/34 of the Indian Penal Code.

And

In Re: **Sk. Najir @ Sekh Nazir Hossain & Ors.**

... .. Petitioners

Mr. Arindam Sen
Mr. Sagnik Bhattacharya

... .. for the petitioners

Mr. Prasun Kr. Dutta
Mr. Subrata Roy

... .. for the State

It is submitted on behalf of the petitioners there was dispute amongst family members and they have been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record prima facie disclosing primary role of petitioner no.3 in assaulting the victim resulting in fracture. Hence, we are not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the accused/petitioner no.3 namely, **(3) Sk. Sakib** is rejected.

However, keeping in mind the extent of complicity of the petitioner nos.1 & 2 in the alleged crime, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the accused/petitioner nos.1 & 2 namely **(1) Sk. Najir @ Sekh Nazir**

Hossain & (2) Mafuza Begum, be released on bail upon furnishing 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 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 & 2 shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)