

09.06.2022  
tkm/ct 28  
sl no. 119

**C.R.M. (A) 2487 of 2022**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ratua P.S case no. 697 of 2021 dated 27.12.2021 under sections 341/326/307/34 of the IPC  
And

**Allowed**

In Re : Sekh Nabiul @ Sk. Nabiul & Ors. .... petitioners

Ms. M Gomes  
Mr. Kausik Biswas

..... for the petitioners

Mr. T K Ghosh  
Ms Pritha Paul

..... for the State

It is submitted on behalf of the petitioners that there was a free fight between the parties and they have been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the victim recorded under section 164 Cr.P.C. Petitioner no. 2 appears to be the principal assailant who hit the victim with a knife on his face.

Keeping in mind the primary role played by the petitioner no. 2 in the assault, we are not inclined to grant bail to him.

However in view of the extent of complicity of the petitioner nos. 1 and 3 in the alleged crime, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1 and 3 viz. Sekh Nabiul @ sk. Nabiul and Sk. Mojamnil 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.

Petitioner nos. 1 and 3 shall appear before the court below and prays for regular bail within four weeks from date.

The application being CRM (A) 2487 of 2022 is disposed of.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**