

14.06.2022
cm/ct 28
sl no. 127

C.R.M.(A) 2700 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. 189 of 2022 dated 30.05.2022 under Sections 447/325/326/34 of the Indian Penal Code.

And

Partly Allowed

In Re : Techher Ali Mondal & Ors.

..... petitioners

Mr. Asraf Mondal

..... for the petitioners

Ms. Sreeparna Das

..... for the State

It is submitted on behalf of the petitioners submit that there are case and counter case between the parties.

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

Having considered the materials on record including statement of witnesses prima facie disclosing role of petitioner No.1 in causing serious injuries which is supported by medical evidence, we are not inclined to grant anticipatory bail to petitioner No.1.

Accordingly, prayer for anticipatory bail of petitioner No.1 is rejected.

However, keeping in mind the extent of complicity of petitioner Nos. 2 to 5 in the alleged crime as possibility of their false implication due to pre-existing enmity cannot be wholly ruled out, we are inclined to grant anticipatory bail to the petitioner Nos.2, 3, 4 and 5.

Accordingly, we direct that in the event of arrest, the petitioner Nos. 2, 3, 4 and 5 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Petitioner Nos.2, 3, 4 and 5 shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) No. 2700 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)