

17.06.2022
SI. No.127
akd
[PARTLY
ALLOWED]

C. R. M. (A) 2814 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.06.2022 in connection with Hariharpara Police Station Case No. 55 of 2022 dated 01.02.2022 under Sections 447/324/325/308/34 of the Indian Penal Code.

And

In Re: ***Jiarul Islam @ Jiyarul Haque & Anr.***

... .. Petitioners

Md. Golam Nure Imrohi
Mr. Susnigdho Bhattacharya

... .. for the petitioners

Mr. Shekhar Barman

... .. for the State

Heard the learned advocate appearing for both the parties.

We have considered the materials on record. Petitioner no.1 assaulted the victim resulting in grievous injury. Hence, we are not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the accused/petitioner no.1 namely, ***(1) Jiarul Islam @ Jiyarul Haque*** is rejected.

However, keeping in mind the extent of complicity of the petitioner no. 2 in the alleged crime and as the assault attributed to him does not pertain to any grievous injury, we are inclined to grant anticipatory bail to him.

Accordingly, we direct that in the event of arrest, the accused/petitioner no. 2 namely ***(2) Aktarul Islam***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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 no. 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.)