

16.02.2022

Sl. 59
Court No.29
suvayan
(Partly
Allowed)

CRM 5045 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** P.S. Case No. **423 of 2020** dated **03/06/2020** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: Tunu Sekh & Anr.

....petitioners.

Mr. Sabir Ahmed

...for the petitioners.

Mr. Rudradipto Nandy

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners are falsely implicated. Two other co-accused were granted anticipatory bail by this Hon'ble Court.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary including the statement recorded under Section 161 of the Criminal Procedure Code of the eye witnesses.

Considering the gravity of the offence and considering the involvement of the petitioner No.1 (*Tunu Sekh*) as appearing in the statements recorded under Section 161 of the Criminal Procedure Code of the eye witnesses, we are unable to grant anticipatory bail to the petitioner no.1.

So far as the petitioner No.2 is concerned, considering her involvement, we grant anticipatory bail to her.

Accordingly, we direct that in the event of arrest, the petitioner No.2 (*Sheli Bibi @ Seli Bibi*) 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

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 cooperate with the Investigating Office till the conclusion of the investigation and that the petitioner shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The application for anticipatory bail being CRM 5045 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)