

18.07.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 3400 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Duttapukur** Police Station Case No. **354** of **2022** dated **17.04.2022** under Sections 341/325/326/34 of the Indian Penal Code, 1860.

And

In Re : Reajul Haque & Ors.

..... petitioners

Mr. Angsuman Chakraborty

....for the petitioners

Mr. Binoy Panda

Mr. Subham Bhakat

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the incident arose out of a property dispute.

Learned advocate appearing for the State draws the attention of the Court to the statement of the injured recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

Two persons received injuries. One of the injured received fracture injury. One of the injured person implicates the petitioner no. 2 in the assault.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 2 (Faruk Ahammed).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 2 is concerned.

So far as the petitioner nos. 1, 3, 4, 5, 6 and 7 are concerned, considering the omnibus nature of allegations, we grant anticipatory bail to the petitioner nos. 1 (Reajul Haque), 3 (Rupjan Bibi), 4 (Mirajul Haque alias Md. Mirajul Haque), 5 (Hafizul Rahaman alias Hafijul), 6 (Rinuja Bibi) and 7 (Sumiara Khatun alias Bibi).

Accordingly, we direct that in the event of arrest the petitioner nos. 1, 3, 4, 5, 6 and 7 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 and on further condition that the petitioner nos. 1, 4 and 5 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner nos. 3, 6 and 7 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner nos. 1, 3, 4, 5, 6 and 7 shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner nos. 1, 3, 4, 5, 6 and 7 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)