

18.07.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 3407 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **217** of **2022** dated **13.05.2022** under Sections 341/325/326/354/34 of the Indian Penal Code, 1860.

And

In Re : Rabi Sk @ Rabiula Sekh & Ors.

..... petitioners

Ms. Minoti Gomes

....for the petitioners

Mr. Avishek Sinha

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the incident arose over disputes between the owner of the brickfield and the de-facto complainant.

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

The involvement of the petitioner no. 1 stands out in the materials in the case diary. Consequently, we are unable to grant anticipatory bail to the petitioner no. 1 (Rabi Sk @ Rabiula Sekh).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 1 is concerned.

So far as the petitioner nos. 2, 3 and 4 are concerned, we grant anticipatory bail to the petitioner nos. 2 (Nabi Sk. @ Nabiul Sk), 3 (Alfi Khatun @ Alfa Khatun) and 4 (Sijjil Sk. @ Sirjit Sk).

Accordingly, we direct that in the event of arrest the petitioner nos. 2, 3 and 4 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. 2 and 4 shall meet the Investigating Officer once a week till the conclusion of the investigation and petitioner no. 3 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner nos. 2, 3 and 4 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. 2, 3 and 4 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.)