

28.07.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 3552 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **337** of **2022** dated **17.06.2022** under Sections 448/323/325/326/307/354/506/34 of the Indian Penal Code, 1860.

And

In Re : Kadbanu Bibi & Ors.

..... petitioners

Mr. Manas Kumar Das

....for the petitioners

Ms. Zareen N Khan

Mr. Arup Sarkar

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, there is a police complaint with regard to the same incident. The petitioners also received injuries.

Learned advocate appearing for the State submits that, one of the victims suffered fracture injury and injury on the hand by a sharp cutting weapon. He submits that, the fracture injury was by way of a blunt weapon used by the Kargil Sk., who is not before the Court. The cut injury was caused by the petitioner no. 3. He refers to the statement of the injured victim recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

In view of the complicity of the petitioners as transpiring from the 161 Cr.P.C. statement of the injured victim, we are unable to grant anticipatory bail to the petitioner no. 3 (Hasib Sk. @ Hasmat Sk.).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 3 is concerned.

So far as the petitioner nos. 1 and 2 are concerned, we grant anticipatory bail to the petitioner nos. 1 (Kadbanu Bibi) and 2 (Shukura Bibi).

Accordingly, we direct that in the event of arrest the petitioner nos. 1 and 2 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 and 2 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner nos. 1 and 2 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 and 2 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.)