

26.08.2022
20
Ct. No. 29
KAUSHIK
Partly
Allowed

C.R.M.(A) 4091 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **560** of **2022** dated **22.07.2022** under Sections 447/325/326/307/34 of the Indian Penal Code, 1860.

And

In Re : Rakhi Das & Ors.

..... petitioners

Mr. Sabir Ahmed

Mr. Abdur Rakib

....for the petitioners

Mr. Narattam Acharyya

....for the de-facto complainant

Mr. Sudip Kumar

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the incident occurred due to disputes along with family members.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the injury report of the victims. He submits that the 5th petitioner was arrested.

Learned advocate appearing for the de-facto complainant submits that, the first petitioner assaulted the victim with the iron rod.

Since the fifth petitioner was arrested, CRM(A) 4091 of 2022 is dismissed as infructuous so far as the petitioner no. 5 (Raju Das @ Santu) is concerned.

So far as the other petitioners are concerned, considering their involvement in the alleged incident and the nature of injury suffered by the victim, we grant anticipatory bail to the petitioner nos. 1 (Rakhi Das), 2 (Arpita Das @ Arpita Dey), 3 (Monoranjan Das) and 4 (Surajit Das).

Accordingly, we direct that in the event of arrest the petitioner nos. 1 to 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. 1 and 2 shall cooperate the Investigating Officer till the conclusion of the investigation and petitioner nos. 3 and 4 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner nos. 1 to 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. 1 to 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.)