

31.08.2022

23
Ct. No. 29
KAUSHIK
Partly
Allowed

C.R.M.(A) 4163 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **169** of **2022** dated **25.07.2022** under Sections 341/323/326/307/379 of the Indian Penal Code, 1860.

And

In Re : Afil Khatun @ Afela Khatun & Ors.

..... petitioners

Mr. Kaushik Chaudhury

Ms. Busra Khatun

Mr. S. Chakraborty

....for the petitioners

Md. Anwar Hossain

Ms. Sreyashe Biswas

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, there was a free fight. There is a counter police complaint also.

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 two victims. She submits that, the injured victims implicate the petitioners.

In the police complaint, it appears that the first and the third petitioner are named as the assailants.

Considering the gravity of the offence and the involvement of the petitioners therein and considering the fact that the first and the third petitioners are named in the First Information Report as assailants, we are unable to grant anticipatory bail to the petitioner nos. 1 (Afil Khatun @ Afela Khatun) and 3 (Nabirul Mandal).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner nos. 1 and 3 is concerned.

So far as the other petitioners are concerned, we grant anticipatory bail to the petitioner nos. 2 (Runa Bibi @ Runalaila Bibi), 4 (Firajz Bibi @ Feroja Bibi) and 5 (Samsul Mandal).

Accordingly, we direct that in the event of arrest the petitioner nos. 2, 4 and 5 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 no. 5 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner nos. 2 and 4 shall cooperate with the Investigating Officer till the conclusion of the investigation on condition that the petitioner nos. 2, 4 and 5 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, 4 and 5 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.)

(Md. Shabbar Rashidi, J.)