

07.09.2022

34

Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 4308 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Debra** Police Station Case No. **79** of **2022** dated **10.02.2022** under Sections 448/323/324/325/307/379/354B/506/34 of the Indian Penal Code, 1860.

And

In Re : Sk. Siraj Ali & Anr.

..... petitioners

Mr. Navanil De

Mr. Srinjan Ghosh

....for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, there is a delay of 39 days in the lodgment of the First Information Report (FIR).

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

The victim suffered grievous hurt. There are materials in the case diary implicating the first petitioner.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 1 (Sk. Siraj Ali).

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

So far as the second petitioner is concerned, we grant anticipatory bail to the petitioner no. 2 (Sabina Bibi).

Accordingly, we direct that in the event of arrest the petitioner no. 2 shall be released on bail upon furnishing a bond of Rs.10,000/-, 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. 2 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner no. 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 no. 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.)

(Md. Shabbar Rashidi, J.)

