

08.12.2022

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Ct. No. 29

**KAUSHIK**

Partly

Allowed

**C.R.M.(A) 5706 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** Police Station Case No. **137** of **2022** dated **11.04.2022** under Sections 186/224/332/353/379/34 of the Indian Penal Code, 1860 and Section 3 of the PDPP Act and Section 9 of the MPO Act.

And

In Re : Fulki Bibi & Anr.

..... petitioners

Mr. Asraf Mondal

....for the petitioners

Mr. Swapan Banerjee

Mr. Aninda Sundar Chatterjee

....for the State

So far as the second petitioner (Saktar Sk. @ Sekh @ Jaanali) is concerned, it appears from the materials in the case diary that he assaulted the police official and fled away.

In view of the complicity of the second petitioner in the offence, we are unable to grant anticipatory bail to the second petitioner.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 2 is concerned.

So far as the petitioner no. 1 (Fulki Bibi) is concerned, the materials in the case diary shows that she stands in the same footing as that of the other co-accuseds, who were enlarged on

anticipatory bail by the order dated November 23, 2022 passed in CRM(A) 5344 of 2022. Consequently, we grant her anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner no. 1 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. 1 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner no. 1 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. 1 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.)**

