

19.12.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 5875 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jamuria** Police Station Case No. **549** of **2022** dated **08.11.2022** under Sections 143/147/148/186/341/332/333/353/427/506/120B of the Indian Penal Code, 1860 and Section 3 and 4 of the PDPP Act.

And

In Re : Sk. Islam @ Islam Sk. & Ors.

..... petitioners

Ms. Minoti Gomes

Mr. Apurba Kumar Dutta

....for the petitioners

Mr. Saibal Bapuli

Ms. Sayanti Santra

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the police tried to take away a married lady, who is an adult, due to the influence resorted by the father of the married lady. The villagers resisted and, therefore, the incident arose. She submits that, none of the petitioners are involved in the incident.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the police personnel were assaulted. He refers to the injury report of the police personnel. He submits that, the

petitioner stands implicated by the statements recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

Apparently, the police personnel went to the locale to recover a lady on the complaint lodged with regard thereto. Such police personnel were assaulted. The police personnel suffered injuries. There are 161 Cr.P.C. statements implicating all the three petitioners.

It is contended on behalf of the petitioners that the third petitioner (Afrin Parween) is pregnant.

In such circumstances, considering the medical condition of the third petitioner, we grant her anticipatory bail.

So far as the other petitioners i.e. petitioner nos. 1 (Sk. Islam @ Islam Sk.) and 2 (Asma Bibi) are concerned, considering their complicity in the incident as appearing from the materials in the case diary, we are unable to grant anticipatory bail to the petitioner nos. 2 and 3.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner nos. 2 and 3 is concerned.

Accordingly, we direct that in the event of arrest the petitioner no. 3 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. 3 shall cooperate with the Investigating Officer till

the conclusion of the investigation and on condition that the petitioner no. 3 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. 3 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.)