

06.01.2023

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 30 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hemtabad** Police Station Case No. **308** of **2022** dated **19.11.2022** under Sections 341/323/325/326/307/506/34 of the Indian Penal Code, 1860.

And

In Re : Sabul Haque & Ors.

..... petitioners

Mr. Kunal Ganguly

....for the petitioners

Mr. Arijit Ganguly

Mr. Avik Ghatak

....for the State

Petitioners pray for anticipatory bail.

From the materials in the case diary, it transpires that the petitioner nos. 1 (Sabul Haque) and 2 (Aiyub Ali) assaulted the injured with the sharp cutting weapons.

Considering the gravity of the offence and the involvement of the first two petitioners in the incident, we are unable to grant anticipatory bail to them.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner nos. 1 and 2 is concerned.

So far as the petitioner no. 3 (Saheba Khatun) is concerned, considering her gender, we grant her anticipatory bail.

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.)