

30.01.2023

Item No.10

Ct. No. 29

CHC

Partly

Allowed

C.R.M.(A) 356 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **527** of **2021** dated **16.10.2021** under Sections 448/325/354B/326A/307/427/384/379/34 of the Indian Penal Code.

And

In Re : Rakhi Sarkar alias Rakhi (Mandal) Sarkar & Ors.

..... petitioners

Mr. Tapan Datta Gupta,

Mr. Parvej Anam

....for the petitioners

Mr. S. S. Imam, Jr. Govt. Advocate

Mr. R. Jana

....for the State

Petitioners pray for anticipatory bail.

The materials in the case diary suggest that the petitioner no.1 [Rakhi Sarkar @ Rakhi (Mandal) Sarkar] was involved in the incident of pouring Carbolic Acid on the mouth of the son of the de-facto complainant.

Considering the gravity of the offence and involvement of the petitioner No.1[Rakhi Sarkar @ Rakhi (Mandal) Sarkar] , we are unable to grant anticipatory bail to the petitioner no.1, Rakhi Sarkar @ Rakhi (Mandal) Sarkar.

However, we grant anticipatory bail to the petitioner no.2, Maya Mandal @ Mayarani Mandal and petitioner no.3, Saraswati Mandal.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no.1, Rakhi Sarkar @ Rakhi (Mandal) Sarkar is concerned.

Accordingly, we direct that in the event of arrest the petitioner no.2, Maya Mandal @ Mayarani Mandal and petitioner no.3, Saraswati Mandal 3 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 nos. 2 and 3 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner nos.2 and 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 nos. 2 and 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.)

