

03.02.2023

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 472 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Itahar** Police Station Case No. **407** of **2022** dated **20.07.2022** under Sections 441/323/326/307/34 of the Indian Penal Code, 1860.

And

In Re : Laisi Bibi & Ors.

..... petitioners

Mr. Jisan Iqbal Hossain

Ms. Chandrima Debnath

Mr. Karnel Mondal

....for the petitioners

Ms. Sreyashee Biswas

....for the State

Four persons were injured in an assault. The injury reports and the photographs of the injuries, apparently, suggest a case under Section 307 of the Indian Penal Code, 1860.

The four injured implicates the petitioner nos. 1 (Laisi Bibi), 2 (Amul Bibi @ Amenur Bibi) and 3 (Khajana Bibi @ Khajana Khatun Bibi) in the incident of assault.

Consequently, we are unable to grant anticipatory bail to the petitioner nos. 1, 2 and 3.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner nos. 1, 2 and 3 are concerned.

So far as the petitioner no. 4 (Taslimuddin Haque) is concerned, we grant him anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner no. 4 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. 4 shall meet the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner no. 4 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. 4 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.)

