

06.02.2023

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 497 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **1121** of **2022** dated **25.12.2022** under Sections 341/326/307/34 of the Indian Penal Code, 1860.

And

In Re : Najem Dafadar @ Nazim Dafadar & Ors.

..... petitioners

Mr. Atis Kumar Biswas

Mr. Amit Singh

Ms. Jyoti Agarwal

....for the petitioners

Mr. Asraf Mondal

....for the de-facto complainant

Ms. Faria Hossain

Mr. Asif Dewan

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, some of the co-accuseds were granted bail by the Jurisdictional Court.

Learned advocate appearing for the State draws the attention of the Court to the injury report of the injured.

The de-facto complainant is represented.

The injury report of the injured states that, the injured received severe injuries with a noting that the injuries were

such that it was near partial amputation. The injured names the petitioner nos. 1 (Najem Dafadar @ Nazim Dafadar) and 2 (Nijam Dafadar @ Nizam Dafadar) as the assailants.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioner nos. 1 and 2.

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

The petitioner nos. 3 (Rakhi Bibi) and 4 (Salima Shaikh @ Selina Bibi @ Salina Bibi) are, however, not named in the injury report of the injured.

In such circumstances, we grant anticipatory bail to the petitioner nos. 3 and 4.

Accordingly, we direct that in the event of arrest the petitioner nos. 3 and 4 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. 3 and 4 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner nos. 3 and 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 nos. 3 and 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.)