

06.04.2023
17
Ct. No. 29
CHC
Allowed Partly

C.R.M.(A) 1466 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beldanga** Police Station Case No. **195** of **2023** dated **17.03.2023** under Sections **448/323/325/307/34** of the Indian Penal Code, 1860.

And

In the matter of : Alim Sk @ Seikh & ors.

..... petitioners

Mrs. Shaila Afrin,
Mr. Md. Yusuf Ali,
Ms. R. Jahan

....for the petitioners

Ms. Anasuya Sinha,
Mr. Pinak Kumar Mitra

....for the State

Mr. Ashok Das,
Mr. Arnab Chatterjee,
Mr. Kanchan Ray

...for the de facto complainant

State and the de facto complainant are represented.

On the prayer made on behalf of the petitioner CRM (A) 1466 of 2023 is not pressed so far as the third petitioner, namely, Masum Sk. @ Raihan is concerned in view of the third petitioner being a minor.

There was an incident of assault where several persons received injuries. A child was also injured.

Apparently, the first petitioner inflicted blows.

In such circumstances, we are unable to grant anticipatory bail to the first petitioner, namely, Alim Sk. @ Seikh.

So far as the second petitioner, namely, Sanowara Bibi is concerned, considering her gender, we grant her anticipatory bail to the second petitioner, namely, Sanowara Bibi.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 will cooperate with the Investigating Officer till the conclusion of investigation and on condition that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

