

25.04.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 1751 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Thanarpara** Police Station Case No. **61** of **2023** dated **19.03.2023** under Sections **448/323/326/34** of the Indian Penal Code.

And

In the matter of: Anarul Malithya & ors.

..... petitioners

Mr. Asraf Mandal

....for the petitioners

Mr. Bidyut Kr. Roy,

Ms. Rita Datta

....for the State

Mr. Atis Kumar Biswas,

Mr. Amit Singh,

Ms. Jyoti Agarwal

....for the de facto complainant

Petitioners, State and the de facto complainant are represented.

Learned advocate appearing for the de facto complainant submits that due to gender of the de facto complainant, petitioners are preventing the de facto complainant from entering into an immovable property co-owned by the de facto complainant.

The materials in the case diary suggests that incident of assault took place where, the injured suffered simple injury.

We need not considering civil aspect of the disputes between the private parties in this proceeding.

Taking into consideration the criminal liability if any of the private parties, we find that the injury suffered by the victim are simple in nature.

Considering the gravity of the offence and involvement of the petitioners in the incident, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners will 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 petitioner no.1, namely, Anarul Malithya, petitioner no.2, namely, Jaidul Malithya, petitioner no.3, Nasir Malithya @ Nasim Malithya, petitioner no.4, namely, Ebadul Malithya and petitioner no.5, namely, Rasidul Malithya will report before the Investigating Officer once in a month till the conclusion of investigation and petitioner no.6, namely, Sufia Bibi @ Manuka Bibi and petitioner no.7, namely, Bhabina Bibi @ Jabena Bibi Malithya will cooperate with the Investigating Officer till the conclusion of the investigation and on further condition that the petitioners 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

petitioners 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.)

(Rai Chattopadhyay, J.)