

**29.05.2023**  
Vacation Bench  
SL No.56  
s.biswas/sayandeep  
**(Partly Allowed)**

**C.R.M. (A) 2134 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogalberia** P.S. Case No. **57 of 2023** dated **12.03.2023** under Sections **106/189/325/326/332/333/353/354/34** of the IPC.

And

In the matter of: **Mafijul Mondal @ Akali and others**

....Petitioners

Mr. Kalyan Kumar Bhattacharjee

...for the Petitioners

Mr. P. K. Dutta

Mr. Pradipta Kr. Ganguly

...for the State

Mr. Bhattacharjee, learned advocate appears on behalf of the petitioners and submits that the petitioners have been falsely implicated in the case and are ready to cooperate with the investigation.

Mr. Ganguly, learned advocate for the State, has produced the case-diary and drawn the attention of the Court to the injury reports. He emphasizes on the facts of the case particularly the police authority being injured while conducting a raid by a group of persons.

We have taken into account the statements of the witnesses as well as the injuries sustained by the police personnel.

On an overall assessment of the same, we are of the opinion that the ladies being Sahida Mondal @ Mondal Sahida, Baby Najmin @ Baby Nazmin, Hira Sultana, Sahanara Mondal @ Mondal Sahanara and Jesmina Khatun Mondal are granted anticipatory bail.

So far as the other accused persons are concerned, namely, Mafijul Mondal @ Akali, Ajijul Mondal @ Mondal Ajijul, Alamgir Mondal @ Alomgir Mandal, Kalu @ Rabjel Mondal @ Rabjel Mandal, Jelmahammad Mondal and Ratan Mondal, their application for anticipatory bail is rejected.

Accordingly, we direct that in the event of arrest, the petitioners, whose application for anticipatory bail has been allowed, shall be released on bail upon furnishing a bond of Rs.5,000/- (Rupees five Thousand Only) each with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and they are directed to surrender before the jurisdictional Court within a period of four weeks from date. They shall not leave the jurisdiction of the concerned police station and should be available for police enquiry during the period of four weeks prior to their surrender.

The learned jurisdiction court would impose condition afresh while considering their application under the Section 437 of the Cr.P.C., in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners, whose application for anticipatory bail is allowed.

CRM (A) 2134 of 2023 is thus disposed of.

**(Rai Chattopadhyay, J.)**

**(Tirthankar Ghosh, J.)**