

12.06.2023

Sl. 89

Court No. 29

sdas

(Allowed)

C.R.M. (A) 2200 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Hariharpara** Police Station Case No. **47** of **2023** dated **31.01.2023** under Sections **447/324/326/307/34** of the Indian Penal Code.

And

In the matter of: **Nurnesa Bibi @ Nurnesa & Ors.**

....petitioners.

Ms. Rabia Khatoon

...for the petitioners.

Ms. Sreyashee Biswas

...for the State.

1. Heard learned Counsel for both the parties.
2. It is fairly submitted at the Bar that one Mujibar Sk. is the principal accused who caused severe injuries to Tojibar Sk. for which the victim is alleged to have suffered hospitalisation for more than one and half months and also have suffered a surgical intervention. So far as present petitioners are concerned there is allegation against the petitioner no. 1 to the fact that she beat one of the victims and there is no allegation against petitioners no. 2 and 3 so far as assault is concerned. Charge being one by aid of Section 34 of the Indian Penal Code, such distinction can be made at the time of having a prima facie case for bail or anticipatory bail.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, completion of investigation and part played by the petitioners in the entire transaction, each of the petitioners is directed to appear before the learned Chief Judicial Magistrate,

Murshidabad at Berhampore, within 15 days from today in connection with Hariharpara Police Station Case No. 47 of 2023 dated 31.01.2023. On their appearance and application for bail each of the petitioners shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. The application being **CRM (A) 2200 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

