

04.08.2023
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Sdas
Partly Allowed

CRM(A) 2843 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. 112 of 2023 dated 05.06.2023 under Sections 323/326/307/34 of the Indian Penal Code.

In Re : Manjuyara Bibi Biswas @ Manjuara Bewa @ Manjuara Bibi @ Manjuara Biswas & Ors. petitioners

Mr. Asraf Mandal

.....for the petitioners

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

....for the State

Mr. Asif Iqbal

Mr. Samiul Aktar Munchi

Mr. Souma Mahapatra

.... for the de facto complainant

Learned advocate appearing for the petitioners submits that over the issue of theft of a battery of a toto vehicle there was a skirmish. Petitioners are womenfolk and have been falsely implicated. They pray for anticipatory bail.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

Learned Counsel for the de facto complainant submits victim suffered grievous injury and was hospitalised.

We have considered the materials on record including the medical reports. Injuries are grievous and victim had been hospitalised. Injury report notes the role of Manjuyara Bibi Biswas, petitioner no. 1. Hence, we are unable to grant anticipatory bail to petitioner no. 1.

Accordingly, application for anticipatory bail in so far as petitioner no. 1 concerned is, thus, rejected.

However, in the light of extent of complicity of the petitioners no. 2, 3 and 4, we are inclined in granting anticipatory bail to them.

Accordingly, we direct that in the event of arrest the petitioners no. 2, 3 and 4 viz. Sonali Khatun @ Sonali Bibi, Muniara Khatun @ Munniara Bibi and Rijia Parvin @ Moyna Bibi, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 condition that the petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail is, accordingly, allowed in so far as petitioners no. 2, 3 and 4 are concerned.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

