

04.08.2022
tkm/ct 28
spl no. 35

C.R.M. (A) 3271 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Harishchandrapur P.S case no. 672 of 2023 dated 9.7.2023 under sections 448/325/427/326/307//354/379/34 IPC
And

Allowed

In Re : Sekandar Ali @ Sekandar & Os. petitioners

Ms. Sabnm Laskar

..... for the petitioners

Mr. Joydeep Roy
Ms. Sujata Das

..... for the State

Petitioners submit that there was a free fight and they have been falsely implicated. Petitioner no 1 suffered scalp fracture. He registered a criminal case against the de facto complainant and his associates. Thereafter, the present case was registered as a counter case. They pray for anticipatory bail.

Learned lawyer for the State opposes the prayer for anticipatory bail. He submits petitioners had mercilessly assaulted the victims resulting in grievous injuries.

We have considered materials on record. We have also viewed the injury report. Injuries on the victims are grievous. Statements of witnesses show participation of the petitioners in the assault. However, petitioner no. 1 also suffered serious injury.

In view of the aforesaid we are inclined to grant anticipatory bail to petitioner no. 1 but not to others.

Accordingly, we direct that in the event of arrest, the petitioner no. 1 i.e. Sekandr Ali @ Sekandar shall be released on bail upon furnishing a bond of Rs. 10,000/- 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.

Petitioner no. 1 shall appear before the court below and pray for regular bail within four weeks from date.

Anticipatory bail to petitioner Nos.2 to 18 viz., 2. Saifulla @ Md. Safiulla, 3. Soleman @ Saleman, 4. Sakir Hossain, 5. Sadek Ali, 6. Sadek @ Sadek Ali, 7. Tarikul @ Tarikul Islam, 8. Mojibul @ Majibul, 9. faruk @ Umar Faruk, 10. Mahabub @ Mahabub Alam, 11. Jelekha Khatun @ Jelekha Bibi, 12. Rousnara Bibi @ Rousnara, 13. Jamal @ Md. Maimuddin, 14. Rabiul @ Robiul Islam, 15. Nur Islam @ Nur Hossain, 16. Joshnara Bibi @ Jostna Bibi, 17. Majia Bibi @ Marjia and 18. Sahanaj @ Sahanaj Khatun are rejected.

The application being CRM (A) 3271 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)