

C. R. M. (A) 3362 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 31.07.2023 in connection with Kandi Police Station Case No. 398 of 2023 dated 05.07.2023 under Sections 341/323/325/307/354/34 of the Indian Penal Code.

And

In Re: ***Mohammed Halim Sheikh @ Md. Halim Sk. & Ors.***

... .. Petitioners

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous

... .. for the petitioners

Mr. Binay Panda
Ms. Puspita Saha

... .. for the State

1. It is submitted on behalf of the petitioners that there are case and counter-case between the parties. It is further submitted they have been falsely implicated. Accordingly, they pray for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Injuries are serious and on a vital part of the body i.e. head. Petitioner no.1 is specifically named in the injury report. Hence, we are not inclined to grant anticipatory bail to him.
4. Accordingly, the prayer for anticipatory bail of the accused/petitioner no.1 namely, ***(1) Mohammed Halim Sheikh @ Md. Halim Sk.*** is rejected.
5. However, keeping in mind the extent of complicity of the petitioner nos. 2 & 3, who are not specifically named in the injury report, in the alleged crime and as the possibility of their false implication due to prior enmity cannot be ruled out, we are inclined to grant anticipatory bail to them.

6. Accordingly, we direct that in the event of arrest, the petitioner nos. 2 & 3 namely **(2) Senehar Bibi & (3) Jesmina Khatun @ Jesmina Bibi**, be released on bail upon furnishing 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 2 & 3 shall appear before the court below and pray for regular bail within four weeks from date.
7. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)