

21.09.2023
ML. 211
Court No. 29
Sourav
(Partly
Allowed)

C.R.M. (A) 3819 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** Police Station Case No. **254** of **2023** dated **15.08.2023** under Sections **341/325/324/326/307/34** IPC.

And

In the matter of: **Innas Sk @ Yanus & Ors.**

....petitioners.

Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioners.

Ms. Faria Hossain
Mr. Anand Keshari

...for the State.

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatun

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. In a group fight in a salish for marriage, the petitioners are alleged to have assaulted mercilessly the members of the prosecution party causing injury to three victims, one of whom has suffered fracture on nasal bone and another has suffered chest injury involving the inner wall of the chest.
3. From the injury sustained by the victims, it is found that the victims have been beaten mercilessly by different sharp cutting weapons.
4. So far as the petitioner no. 6 is concerned, she is alleged to have assaulted the members of the prosecution group by brickbat.
5. We, however, do not find any injury by brickbat on the person of the victims. All of them have suffered injuries either by

sharp cutting weapons or by blunt weapons.

6. Regard being had to such facts, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner no. 1 (Innas Sk @ Yanus), petitioner no. 2 (Joynal Sk @ Jaynal), petitioner no. 3 (Echob Sk @ Echab Sk.), petitioner no. 4 (Sagar Sk.) and petitioner no. 5 (Rahim Sk @ Rahim Chand Sk.).
7. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1 to 5 is rejected.
8. So far as petitioner no. 6 (Nicharun Bibi Sk @ Nechharan Khatun Bibi Shaikh) is concerned, regard being had to the role played by her in the entire transaction, it is directed that the petitioner no. 6 shall be released on bail in the event of her arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
9. Within 21 days from today, petitioner no. 6 is directed to appear before the I.O. along with a server copy or certified copy of this order.
10. Accordingly, the prayer for anticipatory bail is allowed in-part.
11. The application being **CRM (A) 3819 of 2023** is disposed of.
12. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

