

08.09.2023
tkm/ct 28
spl no. 70

C.R.M. (A) 3913 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kandi P.S case no. 47 of 2023 dated 3.2.2023 under sections 341/326/308/34 IPC
And

Allowed

In Re : Faruk Molla & Ors. petitioners

Mr. M K Das
Mr. Aritra Kr. Thokdar
..... for the petitioner

Mr. S S Imam
Ms. Mamata Jana
..... for the State

1. It is submitted there was a matrimonial dispute between petitioner no. 5's daughter and the de facto complainant's son. Over this issue, case and counter case have been registered. They pray for anticipatory bail.

2. Learned lawyer for the State opposes the prayer for anticipatory bail. He submits petitioners had come in a body and assaulted the victim. As a result two victims suffered grievous injuries.

3. We have considered materials on record. Injury reports show grievous injury on the vital parts of the bodies. Keeping in mind the specific allegations against petitioner no. 2 and 3 in the assault we are not inclined to grant anticipatory bail to them.

4. However allegation in the FIR against the other petitioners i.e. petitioner no. 1 Faruk Molla, petitioner no. 4 Makhan Bibi, petitioner no. 5 Shipli Bibi @ Shilpi Khatun, petitioner no. 6 Shiuli Bewa @ Shiuli Bibi, petitioner no. 7 Firo Bewa @ Firoja Bewa are

general and omnibus. Hence, we are inclined to grant anticipatory bail to them.

5. Accordingly, we direct that in the event of arrest, petitioner no. 1 Faruk Molla, petitioner no. 4 Makhan Bibi, petitioner no. 5 Shipli Bibi @ Shilpi Khatun, petitioner no. 6 Shiuli Bewa @ Shiuli Bibi, petitioner no. 7 Firo Bewa @ Firoja Bewa shall be released on bail upon furnishing a bond of Rs. 10,000/- 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.

6. Aforesaid petitioners shall appear before the court below and pray for regular bail within four weeks from date.

7. The application being CRM (A) 3913 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)