

03.10.2023
D/L 67
Ct. No.29
(Partly Allowed)
(SKB)

CRM (A) 4000 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sagarpara P. S. Case No.80 of 2023 dated 30.03.2023 under Sections 341/325/326/307/506/34 of the Indian Penal Code (G.R. Case No.1306 of 2023).

In the matter of : Hasen Ali Mondal
@ Hasen Mondal and others
... Petitioners

Ms. Minoti Gomes,
Ms. Chandrima Debnath
... for the petitioners

Mr. Tanmoy Kr. Ghosh,
Ms. Sonali Bhar
... for the State

1. Heard learned counsel for the parties.
2. From the injury report placed as before us, it is found that the injury sustained by the victim on his head is serious in nature. There being conjoint assault on the victim, we find that names of petitioner no.1, Hasen Ali Mondal @ Hasen Mondal, petitioner no.2, Alamgir mondal @ Pena, petitioner no.3, Abdul Motalib @ Md. Motalib Sk. and petitioner no.5, Golam Goush @ Golam Gaus Sk. appear to be the assailants in the statement of the witnesses including one of the injured persons. So far as petitioner no.4, Fatema Jinna Bibi Mondal @ Falema Bibi is concerned, there is no allegation of specific overt act against her.

3. In view of the allegation of specific overt act against petitioner nos.1, 2, 3 and 5, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of them.
4. Accordingly the prayer for anticipatory bail in respect of petitioner nos.1, 2, 3 and 5 are rejected.
5. So far as petitioner no.4 is concerned, she being a lady, she shall be released on bail by the Arresting Officer in the event of her arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed in part.
7. Within 21 days from today petitioner no.4 is directed to appear before the I.O. along with a server copy or certified copy of this order.
8. The applications being CRM(A) 4000 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)