

AD-183
Ct No.01
Jalpaiguri
09.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 27 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 04.01.2023 in connection with Dinhata Police Station Case No. 544 of 2022 dated 30.10.2022 under Sections 448/323/354/436/506/34 of the IPC.

And

In the matter of: Asraful Haque and others

.... petitioners

Mr. Sudip Guha

... for the petitioners

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjee

... for the State

Learned counsel for the petitioners submits that the allegations were of result of village rivalry between the alleged victim and the present petitioners.

Learned counsel for the State opposes the prayer for anticipatory bail and submits on the basis of certain photographs, which are part of the case diary, that the damages were severe. That apart, there is apprehension that, if granted anticipatory bail, similar offence may be perpetrated by the petitioners.

Upon hearing learned counsel for the parties, we are of the opinion that the petitioner nos. 2, 3, 4 and 7, who are female persons, are entitled to grant anticipatory bail at this stage; however, with regard to petitioner nos. 1, 5 and 6, we are not inclined to grant anticipatory bail at this stage.

Accordingly, CRM (A) 27 of 2023 is allowed partially, granting anticipatory bail to the petitioner no. 2 (Rehana Khatun), petitioner no. 3 (Marjina Khatun @ Fesmita), petitioner no. 4 (Lipi Bibi) and the petitioner no. 7 (Fyako Bibi) on condition that the said petitioners shall comply with the conditions in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the said petitioners shall be released on bail upon furnishing individual bonds of Rs.5,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata. The sureties may be common for all the said petitioners. The said petitioners shall also comply with the further conditions that the petitioners shall not leave the territorial jurisdiction of the concerned police station during the period of investigation and shall make themselves available for meeting the Investigating Officer if and when so required.

It is further made clear that with regard to petitioner no. 1 (Asraful Haque), petitioner no. 5 (Rafikul @ Rafiqul Islam @ Harich) and the petitioner no. 6 (Mojahar Ali), the prayer for anticipatory bail is rejected.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)