

16.01.2024

Serial no. 10
Anticipatory Bail
[**Partly Allowed**]
Dd

CRM (A) 101 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **730** of **2023** dated **20.10.2023** under Sections **447/341/323/324/326/34** of the Indian Penal Code, 1860.
(G.R. Case No. 7260 of 2023)*

-And-

In the matter of : **Abjal Sk @ Afjal Hossain & Ors.**

... .. **Petitioners**

*Mr. Amitava Karmakar,
Mr. Arup Kr. Bhowmick, Advocate
... .. For the Petitioners*

*Mr. Pravas Bhattacharya,
Ms. Manashi Roy, Advocates
... ..For the State*

Petitioners before us pray for anticipatory bail on the ground that there is a counter police complaint and that the petitioners also suffered injuries in an incident of assault.

Apparently, in an incident of assault, so far as the present police case is concerned, 5 persons suffered injuries. One of the injuries suffered by one of the injured was classified as grievous hurt.

Injuries were inflicted by sharp cutting weapon. The grievous injury was on the left hand with half of the arm being amputated. All other injuries were also inflicted by sharp cutting weapon.

The injured does not implicate the petitioner no. 6 (Kayem Sk @ Abdul Kayem) in the incident.

In such circumstances, we grant anticipatory bail to petitioner no. 6 (Kayem Sk @ Abdul Kayem).

However, so far as the other petitioners, i.e. petitioner no. 1 (Abjal Sk @ Afjal Hossain); petitioner no. 2 (Samsuddin Sk); petitioner no. 3 (Majibur Sk @ Majibur Rahaman); petitioner no.4 (Jamul Sk @ Md. Jamal Hossain); petitioner no. 5 (Imran Sk @ Emran Hossain); petitioner no. 7 (Asraful Sk) and petitioner no. 8 (Tutul Hosasin @ Nesharul Mia) are concerned, we are unable to grant anticipatory bail to them considering the gravity of the offence and the involvement of such petitioners in the incident.

Accordingly, we direct that in the event of arrest the petitioner no. 6 (Kayem Sk @ Abdul Kayem) shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 and on further condition that the petitioner no. 6 (Kayem Sk @ Abdul Kayem) shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the such petitioner no. 6 (Kayem Sk @ Abdul Kayem) shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the such petitioner no. 6 (Kayem Sk @ Abdul Kayem) in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner no. 6 (Kayem Sk @ Abdul Kayem) is **allowed**.

Prayer for anticipatory bail of the petitioner no. 1 (Abjal Sk @ Afjal Hossain); petitioner no. 2 (Samsuddin Sk); petitioner no. 3 (Majibur Sk @ Majibur Rahaman); petitioner no.4 (Jamul Sk @ Md. Jamal Hossain); petitioner no. 5 (Imran Sk @ Emran Hossain); petitioner no. 7 (Asraful Sk) and petitioner no. 8 (Tutul Hosasin @ Nesharul Mia) is **rejected**.

CRM (A) 101 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)