

23.02.2024

Serial no. 08

Anticipatory Bail

[Allowed]

Dd

CRM (A) 601 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Sandeshkhali** Police Station Case No. **17** of **2024** dated **08.02.2024** under Sections **147/148/149/325/307/427/379/435** of the Indian Penal Code, 1860.*

-And-

In the matter of : **Taher Ali Shekh & Ors.**
... .. **Petitioners**

*Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Mr. Samim Ahemmed,
Mr. Arnab Sinha,
Mr. S. S. Mondal,
Mr. Arka Ranjan Bhattacharya,
Ms. Sonali Bhattacharjee,
Ms. Gulsanwara Pervin, Advocate
... .. For the Petitioners*

*Mr. Avishek Sinha, Advocate
... ..For the State*

Petitioners pray for anticipatory bail.

Learned senior advocate appearing for the petitioners submits that, the petitioners were falsely implicated. He draws the attention of the Court to the first information report. He submits that, women of a particular locality agitated due to torture meted out to them over a period of time by the de facto complainant and others. He also points out that the de facto complainant is presently in custody.

Learned advocate for the State draws the attention of the Court to the materials in the case diary.

We find from the case diary that two persons suffered injuries. None of the injuries suffered were classified as grievous hurt.

It is submitted on behalf of the State that one of the injured is in custody and, therefore, his statement could not be recorded.

The other injured, however, is not in custody. His statement is not on record in the case diary made available to Court. Statement recorded under Section 161 of the Criminal Procedure Code apparently does not name any of the petitioners being involved in the incident of assault.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 and on further condition that the petitioners shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 601 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

