

24.04.2024
Item No.6
Ct. No. 29
CHC
Partly Allowed

C.R.M.(A) 1068 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **87** of **2024** dated **09.02.2024** under Sections **341/325/379/307/34** of the Indian Penal Code, pending before the Learned Additional Chief Judicial Magistrate, Chanchal at Malda.

And

In the matter of : Sabul Alam @ Sohabul & ors.

..... petitioners

Ms. Minoti Gomes,
Mr. Asfak Ahammed,
Mr. Mussaraf Hossain
....for the petitioners

Mr. Manaranjan Mahata
....for the State

Mr. Soupal Chatterjee,
Mr. Anupam Das
...for the de facto complainant

Petitioners pray for anticipatory bail.

Two persons suffered injuries in an incident of assault.

One of the persons suffered fracture of the left arm. Plate was required to be inserted. Such injured implicates the petitioner no.1, namely, Sabul Alam @ Sohabul and petitioner no.2, namely, Amerul Hoque @ Amerul as the assailants who caused such injury.

In such circumstances, considering the involvement of the petitioner no.1, namely, Sabul Alam @ Sohabul and petitioner no.2, namely, Amerul Hoque @ Amerul in the incident, as noted above, we are unable to grant anticipatory bail to them.

So far as other two petitioners are concerned the injured did not name them.

In such circumstances, we grant anticipatory bail to the petitioner no.3, namely, Samshuddin @ Samsuddin @ Saifuddin and petitioner no.4, namely, Chabi Khatun @ Chhabi Khatun.

Accordingly, we direct that in the event of arrest the petitioner no.3, namely, Samshuddin @ Samsuddin @ Saifuddin and petitioner no.4, namely, Chabi Khatun @ Chhabi Khatun 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 petitioner no.3, namely, Samshuddin @ Samsuddin @ Saifuddin will report before the Investigating Officer once in a week till the conclusion of investigation and petitioner no.4, namely, Chabi Khatun @ Chhabi Khatun will cooperate with the investigation and on 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.

This application for anticipatory bail in respect of petitioner no.3, namely, Samshuddin @ Samsuddin @ Saifuddin and petitioner no.4, namely, Chabi Khatun @ Chhabi Khatun is, thus, allowed.

CRM(A) 1068 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)