

22.05.2024  
Item No.7  
Ct. No. 3  
**CHC**  
Partly Allowed

**C.R.M.(A) 1736 of 2024**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Katwa** Police Station Case No. **249** of **2024** dated **20.03.2024** under Sections **341/326/307/302/34** of the Indian Penal Code, pending before the Learned Additional Chief Judicial Magistrate, Katwa, Purba Bardhaman.

And

In the matter of : Ajmot Sk. @ Ajmat Sekh & ors.

..... petitioners

Mr. Debapriya Samanta  
....for the petitioners

Mrs. Anasuya Sinha, Ld. A.P.P.  
Mr. Shiladitya Banerjee  
....for the State

Petitioners pray for anticipatory bail on the ground of parity with the two co-accused who were enlarged the same facility by the order dated April 30, 2024 passed in CRM(A) 1525 of 2024.

Learned advocate appearing for the State submits that, petitioners cannot claim parity. In support of such contention, she relies upon the statement of one of the injured victims recorded under Section 161 of the Criminal Procedure Code. She submits that, petitioner nos.1 and 2 stand implicated in

the incident of assault subsequent to the victim falling from the roof.

Materials in the Case Diary suggest that, petitioner nos.1 and 2 were involved in assaulting the victim who died subsequent to falling down from the roof, as also the son of the injured victim.

In view of the involvement of the petitioner no1, namely, Ajmot Sk. @ Ajmat Sekh and petitioner no.2, namely, Rajesh Sk. @ Azad Sekh in the incident, as narrated by the son of the injured victim, we are unable to grant anticipatory bail to them.

So far as other two petitioners are concerned, they stand on the same footing as that of the other c-accused who were granted anticipatory bail on April 30, 2024 passed in CRM(A) 1525 of 2024.

Accordingly, we direct that in the event of arrest the petitioner no.3, namely, Nasirin Bibi @ Nasrin Khatun and petitioner no.4, namely, Morjina Bibi @ Marjina 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 petitioners 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, Nasirin Bibi @ Nasrin Khatun and petitioner no.4, namely, Morjina Bibi @ Marjina Khatun is, thus, allowed.

CRM(A) 1736 of 2024 is disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**