

12.06.2024

Court No.29

Item No. 381

Allowed

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CRM (A) 1904 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mahisadal Police Station Case No. 399 of 2023 dated 02.07.2023 corresponding to G.R Case No. 1980 of 2023 under Sections 307/323/325/341/447/506/34 of the Indian Penal Code.

And

In Re: **Muslema Bibi @ Mushlema Bibi @ Mushlema Beba**
Petitioners

Mr. Navanil De
Mr. Subhrajit Dey

For the Petitioners

Mrs. Faria Hossain
Mr. Karan Bapuli

For the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and they stand on the same footing as Sk. Mustafa and others, who have been granted anticipatory bail in CRM (A) 3748 of 2023 on 18.09.2023 and Halima Bibi, petitioner no. 2 and Another, who were granted anticipatory bail in CRM (A) 4578 of 2023 on 05.01.2024 respectively.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has fairly submitted that the petitioners stand on the same footing as that of Sk. Mustafa and others in CRM (A) 3748 of 2023 and Halima Bibi, petitioner no. 2 in CRM (A) 4578 of 2023 (Sk. Babulal & Anr.)
3. From the case diary it appears that Sk. Babulal is the principal accused, who has assaulted the victim. It further appears that the victim suffered injury inside the skull for which stitch was administered.

4. Considering the nature of involvement of the petitioners in the commission of alleged offence and the nature of injury and moreover charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners namely, **Muslema Bibi @ Mushlema Bibi @ Mushlema Beba and Mariya Bibi @ Mabiya Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/-each , with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall cooperate with investigation till the submission of the final report 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.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)

