

09.07.2024
Court No.29
Item No. 43

Allowed

sg

CRM (A) 2256 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. 1023 of 2023 dated 24.09.2023 under Sections 448/427/323/324/326/354/307/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Chanchal at Malda.

And

In Re: **Chandani Khatun @ Chandni & Ors.**
Petitioners

Ms. Minoti Gomes
Mr. Asfak Ahammed

For the Petitioners

Mr. Arindam Sen
Mr. Amanul Islam

For the State

1. The learned Counsel for the petitioners submits that due to previous grudge and enmity, a false complaint has been lodged against the petitioners alleging physical assault.
2. The learned Counsel for the State opposes the prayer for the anticipatory bail and produces the case diary.
3. Prima facie it appears that due to previous enmity, a free fight took place between the parties in which the de-facto complainant and others have suffered injury. We have also perused the injury report which appears to be simple in nature. In view thereof, we are of the view that custodial interrogation of the present petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest the petitioners namely,
Chandani Khatun @ Chandni, Lakshmana Bibi @ Lakona Bibi, Mustari Bibi, Rubeda Bibi @ Robida Khatun, Baby Khatun @ Bobby Khatun,

Hadisha Bibi @Hadisan Bibi, Gulsan Bibi, Meherjan Bibi, Rubi Bibi @ Rubi Khatun, Rajiban Rajak, Ruksena Rajak @ Ruksana Khatun and Seli Khatun @ Shiuli Khatun, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Chanchal at Malda, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders.

5. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 2256 of 2024 is, thus, disposed of.
8. 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.)