

19.08.2024
SL No.14
Court No.29
(gc)
(Allowed)

CRM (A) 2781 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Pukhuria Police Station Case No.213 of 2024 dated 02.05.2024 under Sections 341/323/325/307/427/379/34 of the Indian Penal Code.

And

In the matter of : **Sabina Bibi @ Sabina Khatun & Ors.**

- Petitioners.

Mr. Kalidas Saha,
Ms. Mandira Mandal

....For the Petitioners.

Mr. Ashok Das

... For the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated. It is further submitted that one of the co-accused, namely, Badruddoja was granted bail.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the injured and the injury report.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence, the nature of injury which appears to be lacerated injury over scalp was minor in nature and the circumstances under which such alleged offence had taken place and also having regard to fact that one of the co-accused has been enlarged on bail, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sabina Bibi @ Sabina Khatun, Md. Tafijul Hoque @ Tafijul** and **Hena Bibi**, 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 the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and the petitioner no.2 shall meet the I.O. once in a week till the submission of the final report and the petitioners nos.1 and 3 shall cooperate with the investigation.
5. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda in connection with G.R. Case No.1150 of 2024 within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)