

28.08.2024
Court No.29
Item No. 43

Partly allowed

cm

CRM (A) 2938 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Sagardighi Police Station Case No. 169 of 2024 dated 22.04.2024 under Sections 447/323/325/326/307/427/34 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Jangipur Court, Murshidabad.

And

In Re: **Atarul Sekh & Ors.**

Petitioner

Mr. Kusal Kumar Mukherjee,
Mr. Narattem Acharyya,

For the Petitioner

Mr. Tapodip Gupta,
Mr. Suman Bharja

For the de facto complainant

Mr. Z.N. Khar,
Mr. Sujoy Sarkar

For the State

1. We have heard the learned counsel for the parties.
2. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner nos. 1, 2, 3, 5, 6 and 7 in the commission of alleged offence and the nature of injury which is grievous in nature and the nature of involvement of the each of the petitioners in the commission of such physical assault as revealed from the case diary, we are not inclined to grant anticipatory bail to the petitioner nos. 1, 2, 3, 5, 6 and 7 namely, **Atarul Sekh, Rubel Sk, Nurail Sk, Ritu Ahammed @ Ritu Sk, Amir Sohel and Golam Mustafa**. However, considering that the petitioner nos. 4 and 8 are female members, we inclined to grant anticipatory bail to the petitioner nos. 4 and 8.

3. Accordingly, we direct that in the event of arrest the petitioner namely, **Sagara Bibi @ Sagora Bibi and Mamtaj Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, one of whom local, to the satisfaction of the arresting officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023. The petitioner nos. 4 and 8 shall cooperate with the investigation and shall appear before the learned Trial Court within two weeks from date.
4. Accordingly, the prayer for anticipatory bail of the petitioner nos. 4 and 8 is allowed and the prayer for anticipatory bail of the petitioner nos. 1, 2, 3, 5, 6 and 7 is rejected.
5. 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.)