

18.01.2024

36-39
Ct. No. 29
S.D.
P. Allowed

C.R.M.(A) 4398 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **378** of **2023** dated **09.07.2023** under Sections 341/325/326/307/34 of the Indian Penal Code.
And

In Re: Sahanara @ Sahanara Bibi & Ors.
...Petitioners
With

C.R.M. (A) 4399 of 2023

In re: Khaledur Rahaman @ Pintu & Ors.
...Petitioners
With

C.R.M. (A) 4400 of 2023

In re: Firdashi Bibi @ Firdosi Bibi @ Firdousi Begum & Ors.
...Petitioners
With

C.R.M. (A) of 4402 (A) of 2023

In re: Motiur Rahamn @ Matiur Rahaman & Ors.
..... Petitioners

Mr. Ashoke Das
Ms. Roma Roy
.....for the petitioners

Ms. Faria Hossain
Ms. Mamata Jana
...for the State in C.R.M. (A) 4398 of 2023

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee
....for the State in C.R.M. (A) 4399 of 2023

Mr. Joydeep Roy
Mr. Amanul Islam
....for the State in C.R.M. (A) 4400 of 2023

Mr. Z.N. Khan
Mr. Asif Dewan
....for the State in C.R.M. (A) 4402 of 2023

The injured victim recorded statement under Section 164 of the Cr.P.C.

Injured suffered fractures in the chest as also on the hands and legs. He lost six teeth in an incident of assault when a number of persons assaulted him.

The victim in his statement under Section 164 of the Cr.P.C. named petitioner nos. 1, 7, 8, 13 and 14 of C.R.M. (A) 4398 of 2023, petitioner nos. 1, 3, 8, 10, 12, 13 and 14 of C.R.M. (A) 4399 of 2023, petitioner nos. 1, 4 and 5 of C.R.M. (A) 4400 of 2023 and petitioner nos. 1, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 20 of C.R.M. (A) 4403 of 2023 as assailants in the incident.

Considering the gravity of the offence and the involvement of the petitioners as noted above, we are unable to grant anticipatory bail to such petitioners and or confirm the interim order existing in their favour.

So far as the other petitioners, i.e. petitioner nos. 2, Menarul @ Menarul Hoque, petitioner no. 3, Sish Mahammad, petitioner no. 4, Habibur @ Habibur Rahaman, petitioner no. 5, Najrul Hoque, petitioner no. 6, Anesur Rahaman, petitioner no. 9, Ainal Hoque, petitioner no. 10, Estab Ali, petitioner no. 11, Kalimuddin and petitioner no. 12, Safikul @ Safikul Hoque of C.R.M. (A) 4398 of 2023, petitioner nos. 2, Hesamuddin, petitioner no. 4, Khabir Ali, petitioner no. 5, Bulu Akter, petitioner no. 6, Matahar, petitioner no. 7, Tafijuddin, petitioner

no. 9, Sadikul Islam @ Sentu, petitioner no. 11, Manirul Hoque and petitioner no. 15, Rafik of C.R.M. (A) 4399 of 2023, petitioner nos. 2, Hafij Alam Ansari @ Hanif Alam Ansari & petitioner no. 3, Hamed Bibi of C.R.M. (A) of 4400 of 2023 and petitioner nos. 2, Majibur Rahamn @ Majibur, petitioner no. 3, Sanaullah, petitioner no. 4, Ajhahar Ali @ Ajahar, petitioner no. 9, Sufiya Bewa and petitioner no. 16, Badiruddin of C.R.M. (A) 4402 of 2023, we grant anticipatory bail to such petitioners.

Accordingly, we direct that in the event of arrest, petitioner nos. 2, 3, 4, 5, 6, 9, 10, 11 and 12 of C.R.M. (A) 4398 of 2023, petitioner nos. 2, 4, 5, 6, 7, 9, 11 & 15 of C.R.M. (A) 4399 of 2023, petitioner nos. 2 & 3 of C.R.M. (A) of 4400 of 2023 and petitioner nos. 2, 3, 4, 9 & 16 of C.R.M. (A) of 2023, shall be released on bail upon furnishing a bond of Rs.10,000/- 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. The petitioner nos. 2, 3, 4, 5, 6, 9, 10, 11 and 12 of C.R.M. (A) 4398 of 2023, petitioner nos. 2, 4, 5, 6, 7, 9, 11 & 15 of C.R.M. (A) 4399 of 2023, petitioner no. 2 of C.R.M. (A) of 4400 of 2023 and petitioner nos. 2, 3, 4 & 16 of C.R.M. (A) 4402 of 2023 will report before the Investigating Officer once a fortnight till the conclusion of the investigation. The petitioner no. 3 of C.R.M. (A) 4400 of 2023 and the petitioner no. 9 of C.R.M. (A) 4402 of 2023 will cooperate with the investigation till

the conclusion of the investigation. The petitioners who are granted anticipatory bail in all the four writ petitions 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 who are granted anticipatory bail in all the four writ petitions in Court including cancelling the anticipatory bail granted without further reference to this Court.

This applications for anticipatory bail in respect of the petitioner nos. 2, 3, 4, 5, 6, 9, 10, 11 and 12 of C.R.M. (A) 4398 of 2023, petitioner nos. 2, 4, 5, 6, 7, 9, 11 & 15 of C.R.M. (A) 4399 of 2023, petitioner nos. 2 & 3 of C.R.M. (A) of 4400 of 2023 and petitioner nos. 2, 3, 4, 9 & 16 of C.R.M. (A) 4402 of 2023 are, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)