

C.R.M. (A) 4578 of 2023

05.01.2024
Sl.20
Court No.29
(AD)
(Partly
Allowed)

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** under Sections **341/323/325/307/447/506/34** of the Indian Penal Code, 1860 (GR No.1980/2023).

And

In the matter of: **Sk. Babulal & Anr.**

....petitioners.

Mr. Suman De

... for the petitioners.

Mr. S.S. Imam

Mr. R. Jana

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, the Coordinate Bench granted interim anticipatory bail to the petitioners.

It is submitted at the bar that such order was passed without consulting the materials in the case diary and in view of the ensuing puja vacation.

We perused the materials in the case diary.

Co-accused were enlarged on anticipatory bail by an order dated September 18, 2023 passed in CRM(A) 3748 of 2023.

The materials in the case diary suggest that the petitioner no.1 is the principal assailant. The nature of injuries suffered is an incised wound over the scalp where the stitches were given.

Considering the involvement of the petitioner no.1, namely, Sk. Babulal, in the incident, we are unable to confirm the interim order dated October 16, 2023 so far as he is concerned.

Accordingly, the prayer for anticipatory bail of the petitioner no.1, namely, Sk. Babulal, is rejected.

So far as the other, that is, petitioner no.2 is concerned, we

find that she stand on the same footing as that of the other petitioners who are enlarged on anticipatory bail by the Coordinate Bench. Consequently, we extend the same facility to her.

Accordingly, we direct that in the event of arrest, the petitioner no.2 shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no.2 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioner no.2 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 petitioner no.2 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner no.2, namely, Halima Bibi, is allowed.

C.R.M. (A) 4578 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)