

04.01.2024

Serial no. 129

Anticipatory Bail

[Partly Allowed]

Dd

CRM (A) 4583 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hanskhali** Police Station Case No. **251** of **2019** dated **28.06.2019** under Sections **447/326/307/34** of the Indian Penal Code, 1860. (G.R. Case No. 978/2019).*

Charge Sheet filed under Sections 447/326/307/34 of IPC.

-And-

In the matter of : **Sabita Pundari & Anr.**

... .. **Petitioners**

Ms. Minoti Gomes,

Ms. Dona Sanyal, Advocates

... .. For the Petitioners

Mr. Anwar Hossain,

Mr. Arif Ekbal Molla, Advocates

... ..For the State

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary. In an incident of assault, the injured suffered fracture injury. The injured implicates the petitioner no. 2 in the assault.

Considering the role ascribed to the petitioner no. 2 (Ashish Pundari) by the injured, we are unable to confirm the interim order dated October 16, 2023 or grant anticipatory bail to him.

So far as the petitioner no. 1 (Sabita Pundari) is concerned, since no specific role was attributed by the

injured, we confirm the interim order dated October 16, 2023 and grant him anticipatory bail to her.

Accordingly, we direct that in the event of arrest the petitioner no. 1 (Sabita Pundari) 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner no. 1 (Sabita Pundari) shall cooperate with the investigation till its completion and on further condition that the petitioner no. 1 (Sabita Pundari) 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. 1 (Sabita Pundari) in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner no. 1 (Sabita Pundari) is **allowed**.

Prayer for anticipatory bail of the petitioner no. 2 (Ashish Pundari) is **rejected**.

CRM (A) 4583 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)