

10.01.2024
Item No.21
Ct. No. 29
CHC
Partly Allowed

C.R.M.(A) 4807 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **650** of **2023** dated **06.07.2023** under Sections **341/325/354/326/379/34** of the Indian Penal Code.

And

In the matter of : Nurul Islam & ors.

..... petitioners

Ms. Minoti Gomes,
Mr. Asfak Ahammed
....for the petitioners

Mr. Asok Das
....for the State

Petition is taken up for consideration subsequent to the order dated October 17, 2023.

By such order, 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.

Four persons apparently suffered injuries in an incident of assault of villagers.

One of the injured suffered severe injury. Such injured named the petitioner no.1, namely, Nurul Islam as the person assaulting her.

In such circumstances we are unable to confirm the interim order dated October 17, 2023, so far as petitioner no.1, namely Nurul Islam is concerned.

So far as other petitioners are concerned we confirm the interim order dated October 17, 2023.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, Kabul Ali, petitioner no.3, namely, Manbar Hossain @ Masna, petitioner no.4, namely, Sahid @ Doma, petitioner no.5, namely, Rahanul Islam, petitioner no.6, namely, Nijam, petitioner no.7, namely, Mojaffar, petitioner no.8, namely, Md. Mustakim, petitioner no.9, namely, Golam Kadir, petitioner no.10, namely, Meraj Alam, petitioner no.11, namely, Mominur, petitioner no.12, namely, Setabul Rajak, petitioner no.13, namely, Abdul, petitioner no.14, namely, Sahiruddin, petitioner no.15, namely, Isad, petitioner no.16, namely, Mosiful, petitioner no.17, namely, Mojahir, petitioner no.18, namely, Ramjan, petitioner no.19, namely, Manjur, petitioner no.20, namely, Chaisuddin, petitioner no.21, namely, Formuj, petitioner no.22, namely, Sagrul, petitioner no.23, Robiul Islam, petitioner no.24, namely, Lachman Ram, petitioner no.25, namely, Shibu Das, and petitioner no.26, namely, Ratan Das will be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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 and on further condition that petitioners will meet the

Investigating Officer once in a month till the conclusion of investigation and on condition that the petitioners will 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail in respect of the petitioner nos. 2 to 26 is, thus, allowed.

CRM(A) 4807 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)