

10.01.2024

212 & 462

Ct. No. 29

S.D.

P.Allowed

C.R.M. (A) 4866 of 2023

In Re: Dalil Haque @ Md. Dalil Hoque & Ors.
....petitioners

With
C.R.M. (A) 5179 of 2023

In re: Doulat Hossen @ Doulat Hussain
....petitioner

In Re:- Applications for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **1011** of **2023** dated **02.06.2021** under Sections 341/323/325/307/34 of the Indian penal Code.

Mr. Jayanta Narayan Chatterjee
Mr. Kaushik Chaudhury
Ms. Busra Khatoon
....for the petitioners
Mr. Shiladitya Banerjee
...for the State

Two applications for anticipatory bail are taken up for consideration analogously as they are emanating out of the same police station.

There subsist orders dated October 18, 2023 in both the matters.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the case diary.

We find that the incident of assault took place over property dispute where the injured suffered injuries.

There is a ligatures mark on the neck of one of the injured. Such injured implicates Doulat Hossen @ Doulat Hussain who is the petitioner in C.R.M. (A) 5179 of 2023 as the person who caused such injury.

Apparently, Doulat Hossen, took the scarf of the victim, tide over around her neck and pulled the neck by a tractor causing the ligature mark on the neck of the victim.

It is claimed on behalf of Doulat Hossen that at the relevant time he was in the bank depositing the money belonging to the school.

There are eyewitnesses who put Doulat Hossen at the place of occurrence and corroborates the version of the victim.

In such circumstances, we are unable to confirm the interim order dated October 18, 2023 so far as the **Doulat Hossen @ Doulat Hussain** is concerned or grant him anticipatory bail. His prayer for bail is **rejected**.

Accordingly, **C.R.M. 5179 (A) of 2023 is dismissed.**

So far as the other petitioners are concerned, namely the petitioners in C.R.M. (A) 4866 of 2023, considering their involvement in the incident, we confirm the interim order dated October 18, 2023.

Accordingly, we direct that in the event of arrest, the petitioners in **C.R.M. (A) 4866 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. 1 and 2 will report before the Investigating Officer once a month till the conclusion of the investigation. Petitioner nos. 3 and 4 will cooperate with the investigation till the conclusion of the investigation. All the petitioners 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail being **C.R.M. (A) 4866 of 2023** is, thus, **allowed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)