

**11.01.2024**  
Item No.47(D.L.)  
Ct.No.29  
srn/dc.  
**Allowed**

**C.R.M. (A) 4971 of 2023**

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Itahar Police Station Case No. 129 of 2023 dated 19.04.2023 under Sections 341/323/326/354B/307/34 of the Indian Penal Code.

And

In Re : **Hayat Ali & Ors.**

... Petitioners.

Mr. Reshmi Mukherjee,  
Mr. Ashok Halder

... For the Petitioners.

Mr. Soumik Ganguli

... For the State.

Petitioners pray for anticipatory bail.

Two of the petitioners are ladies.

In an incident of assault apparently, the injured lost two teeth.

All the petitioners before us stand implicated by such injured in his statement recorded under Section 161 of the Cr.P.C.

The injury report, however, records that the injured stated that he was assaulted by a wooden stick by one Azir who is not the petitioner before us.

We, therefore, extend the benefit of doubt to the petitioners.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall 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 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 will report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner nos.2 and 3 will cooperate with the investigation till the conclusion of the investigation and on condition that 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.

The application for anticipatory bail is, thus, allowed.

CRM(A) 4971 of 2023 is disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**