

440 05.02.2024
(AD)
Court No.29
(Allowed)

C.R.M. (A) 5517 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** P.S. Case No.**303 of 2023** dated **05/10/2023** under Sections **498A/325/326/307/34** of the Indian Penal Code, 1860, S.L. No.518 of 2023.

And

In the matter of: **Rabiul Sk & Ors.**

....petitioners.

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modak
Mr. Juel Rana

...for the petitioners.

Mr. Sujan Chatterjee

...for the State.

Two persons suffered injuries in an incident of assault.

None of the injuries were classified as grievous hurt.

There is an issue of delay in the lodgment of the police complaint. Apparently six months time was taken to lodge the police complaint that too through an application under Section 156(3) of the Code of Criminal Procedure.

There is a counter police complaint contemporaneous in point of time filed at the behest of the petitioners against the de facto complainant and her family members.

Considering such aspect of the matter, 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 nos.1,2,4,5,6,7 and 8 will report before the Investigating Officer once a month till the conclusion of the investigation and petitioner no.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 prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 5517 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)