

05.01.2024
Item No.38
Ct. No. 29
CHC
Partly Allowed

C.R.M.(A) 5749 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **522** of **2023** dated **04.09.2023** under Sections **341/323/325/326/308/506/34** of the Indian Penal Code, 1860.

And

In the matter of : Raisuddin Sk. & ors.

..... petitioners

Ms. Minoti Gomes,
Mr. Hafiz Ali,
Ms. Dona Sanyal

....for the petitioners

Mr. Ashok Das

....for the State

Petitioners pray for anticipatory bail.

In the incident of assault, two persons received injuries.

One of the persons received grievous hurt.

The person who suffered grievous hurt names the petitioner no.1 as one of the assailants. However, the two other petitioners are not named as assailants.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no.1, namely, Raisuddin Sk.

So far as petitioner no.2, namely, Rafikul Sk. @ Rosul Sk and petitioner no.3, namely, Nasiruddin Sk. @ Hiran Sk are concerned we grant them anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, Rafikul Sk. @ Rosul Sk and petitioner

no.3, namely, Nasiruddin Sk. @ Hiran Sk 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 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 petitioners will report before the Investigating Officer once in a month till the conclusion of 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.

This application for anticipatory bail for petitioner no.2, namely, Rafikul Sk. @ Rosul Sk and petitioner no.3, namely, Nasiruddin Sk. @ Hiran Sk is, thus, allowed.

CRM(A) 5749 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)