

01.02.2024
(D/L 8)
Ct. No.1
(Allowed)
(SKB)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 98 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Rajganj P. S. Case No.443 of 2023 dated 05.09.2023 under Sections 376/406420/313/323/307/506/34 of the Indian Penal Code (G.R. Case No.4699 of 2023)

In the matter of : RejaKul Ali @ Rejakul Hoque
@ Ali and another

... Petitioners

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha,
Mr. Sandip Guha Roy,
Mr. Ananda Paul

... for the petitioners

Mr. Nilay Chakraborty,
Ms. Namrata Das

... for the State

1. Leave is granted to learned counsel for the petitioners to make correction of the cause title in court today so far as date of lodging of FIR is concerned.
2. Heard learned Counsel for the parties.
3. The present petitioners are stated to be the relatives of the principal accused who has already been enlarged on regular bail.
4. Learned counsel for the State objects to the release of the present petitioners on anticipatory bail on the ground of injury sustained by the victim.
5. Injury report of the victim shows that she had sustained haematoma on her frontal head, a small cut injury on parietal region of head and one abrasion on the shaft area. All injuries are opined to be simple in nature.

6. From the materials placed before us including the statement of witnesses recorded under Section 161 Cr.P.C., we do not find any prima facie involvement of the present petitioners so far as offence under Section 307 or 313 IPC is concerned.
7. Charge-sheet of this case has been filed.
8. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of injury as discussed supra and completion of investigation, it is directed that each of the petitioner shall surrender before the learned CJM, Jalpaiguri within 15 days from today in the G.R. Case No.4699 of 2023 arising out of the aforesaid P.S. case.
9. On their appearance and application for bail, they shall be released on bail by the aforesaid court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
10. Accordingly, the prayer for the anticipatory bail is allowed.
11. The application being CRM(A) 98 of 2024 is disposed of.
12. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)