

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

05.04.2024
Court No.01
rpan/ **44**

CRM (A) 284 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

**In Re: Rasida Bibi @ Rashida Bibi @ Rashida
Khatun Bibi & 3 Others**

- Petitioners

Mr. Sudip Guha,
...for the Petitioners.

Mr. Abhijit Sarkar,
Mr. Kallol Nag
...for the State.

Apprehending arrest in connection with Dinhata Police Station Case No.334 of 2023 dated 02.07.2023 under Sections 143/186/353/332/333/324/325/326/307/427/506/120B of the Indian Penal Code and read with Sections 25/27/35 of the Arms Act and Section 3 of the Prevention of Damage to Public Property Act, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioners submits that there was a clash between rival groups of the same political party. On the basis of mere suspicion and omnibus allegations, the petitioners have been roped in. The complaint was lodged incorporating the names of 49 persons. The co-accused persons, similarly situated with the present petitioners, had already been granted anticipatory bail by a co-ordinate Bench of this Court.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several

documents in the case diary. Answering our query, he, however, submits that investigation is still continuing.

A co-ordinate Bench of this Court while granting anticipatory bail to the co-accused persons, namely, Anoyar Ali and others observed *inter alia* that:

‘ we find some injuries on two persons which are *prima facie* appeared to be not so serious.’

We have perused the statements of the witnesses and assessed the role of the present petitioners. Upon such cumulative assessment *prima facie* we find that the petitioners are similarly situated with the co-accused persons who had already been granted anticipatory bail by a co-ordinate Bench of this Court. Considering the nature of allegations, the manner in which the offence has taken place, the nature of injury and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary, moreso when no contemporaneous document has been placed to show that the petitioners wields influence over the witnesses.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Rasida Bibi @ Rashida Bibi @ Rashida Khatun Bibi, Majrul Haque @ Majirul Haque, Jabdul Haque** and **Asadul Haque** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the

petitioner nos.2, 3 and 4 shall meet with the Investigating Officer of the case once a week till completion of investigation and all the petitioners shall also attend the learned trial court on all the dates as fixed for hearing.

It is further directed that the petitioners shall not influence the witnesses and/or tamper with the evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 284 of 2024, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswaroop Chowdhury, J.)

(Tapabrata Chakraborty, J.)