

**In the High Court At Calcutta
Jalpaiguri Circuit Bench**

CRM (A) 794 of 2024

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the BNSS in connection with **Boxirhat Police Station** Case No. **148 of 2024** dated **02.04.2024** under Sections **341/323/325/326/354/34** of the Indian Penal Code.

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In the matter of : Hajrat Ali @ Shekh & Anr.

.... Petitioners.

Mr. Hillol Saha Poddar,

... For the Petitioners.

Mr. Abhijit Sarkar,

Mr. Subhasish Misra,

... For the State.

Order dictated by Biswaroop Chowdhury, J.:

1. Leave is granted to learned Advocate on record for the petitioners to correct the cause title of the bail application.
2. Learned Advocates for the petitioners and State are present.
3. Heard learned Advocates for the parties. Perused the materials on record in the case diary.
4. Learned Advocate for the petitioners submits that his clients are falsely implicated in the alleged incident and the principal accused is already on bail.
5. Learned Advocate for the State objects to grant bail and submits that the offence is heinous in nature and the petitioners are involved in the offence.
6. Upon perusal of the case diary, mainly, the statement recorded under Section 164 of the Code of Criminal Procedure,

recorded by the daughter of the victim, we are of the view that in the interest of justice custodial interrogation of the petitioner no. 2 is not necessary. The prayer for anticipatory bail of the petitioner no. 2 is thus allowed.

7. Accordingly, in the event of arrest, the petitioner, namely, **Anowara Bewa @ Anoyara Bewa**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

8. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

9. The prayer for anticipatory bail of the petitioner no. 1 stands rejected since from the statement of the victim's daughter it appears that he was an active assailant.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Biswaroop Chowdhury, J.)**

(**Arijit Banerjee, J.)**