

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj

Crl Misc Case No. 940/2022

CNR WBUD01-001711/2022

Present:- Sri Subhasis Ghosh (WB00579)
Sessions Judge, Uttar Dinajpur at Raiganj
02/29.06.2022

The application for anticipatory bail u/s 438 of the Cr.P.C filed on behalf of present petitioners 1. Ramjan Ali, 2. Nodari @ Saharbanu Khatun, and 3. Rehana Khatun @ Ismatun Khatun in connection with Hemtabad P.S. Case No.153/2022 dated 07.05.2022 vide GR 1280/2022 u/s 448/323/325/326/307/34 IPC is taken up for hearing.

Learned Advocate for the petitioners submits that no such application u/s 438 Criminal Procedure Code is either rejected or pending in this Court or before the Hon'ble higher Courts prior to this application.

On query, Ld Public prosecutor submits that there is no reflection in the CD that there is any bail application either pending or rejected by Hon'ble higher Courts and IO also did not intimate him that any bail application is pending or rejected by Hon'ble higher Courts.

Heard Ld Advocate for the petitioners with reference to the petition for anticipatory bail when he submitted that present petitioners were not involved in the alleged offence, injured person did not sustain any such injury to bring the offence either u/s 326 IPC or 307 IPC and they will face the trial if anticipatory bail is granted. Accordingly, he prays for anticipatory bail for the petitioners on any terms and conditions.

Ld Advocate appearing on behalf of the de facto complainant raised objection against the prayer for bail and submitted that accused persons assaulted them mercilessly.

Ld Public Prosecutor submitted that there are no statement of witness recorded u/s 164 Cr.P.C but there are statement of witnesses recorded u/s 161 Cr.P.C and some injury reports are there in the CD and thereafter he prayed for passing necessary order.

Perused the petition for bail, LCR and CD .

Considering their role in the alleged offence, considering the materials of the CD relating to them and taking into account the submission of Ld Advocate for the petitioners and that of Ld Public Prosecutor, this Court has come to a conclusion that custodial interrogation of the petitioners no. 2 and 3 are not required for the purpose of investigation. Consequently, prayer for anticipatory bail u/s 438 Cr.P.C for the petitioners no.2 and 3 namely Nodari @ Saharbanu Khatun, and Rehana Khatun @ Ismatun Khatun are hereby considered and allowed.

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02/29.06.2022

Petitioners no.2 and 3 namely Nodari @ Saharbanu Khatun, and Rehana Khatun @ Ismatun Khatun, in the event of arrest, in connection with Hemtabad P.S. Case No.153/2022 dated 07.05.2022 vide GR 1280/2022, be released on furnishing bail bond of Rs.3,000/- each with two sureties of Rs.1,500/- each, subject to the satisfaction of the Arresting Officer. If on bail they will comply with the provisions of section 438(2) Cr.P.C and on condition that they will not make any kind of threat either to the de facto complainant or to any prosecution witnesses in any manner.

Considering his active participation in the alleged offence and considering the materials in the CD relating to him, prayer for anticipatory bail u/s 438 Cr.P.C for the petitioner no.1 namely Ramjan Ali is hereby considered and **rejected**.

Thus, the Criminal Misc Case is disposed of accordingly. Return LCR and CD.

Let a copy of this order be sent to Ld CJM, Raiganj for information.

Dictd. & cortd.

S.J.

Sessions Judge, U/Dinajpur.