

In the Court of Sessions Judge, Murshidabad

Present : **Sri Bhaskar Bhattacharjee,**
Sessions Judge, Murshidabad
(WB00640)

Crl. Misc. Case No. 5041/2023

Re: Application for bail under Section **438** of the Code of Criminal Procedure in connection with **Raninagar PS Case No. 413/2023, dated 02.08.2023** under sections 448/325/308/506 of the Indian Penal Code

Accused/petitioner(s)

Sanuara Bibi

Versus

Opposite Party

State of West Bengal

Order no. 3, dated 27.09.2023

This day is fixed for hearing the application for anticipatory bail under section 438 Cr.P.C in respect of petitioner named above in connection with the above noted case.

Learned Advocate appearing for the petitioner named above is present and submits that no application for bail under Section 438 Cr.P.C has been preferred, rejected or pending before any higher forum in respect of the present petitioner and to that effect an affidavit has been filed.

Learned Public Prosecutor also conceded to the submission as advanced by the Learned Advocate appearing for the petitioner regarding the pendency or earlier rejection of the identical applications concerning the present petitioner in any higher forum.

Learned Advocate appearing for the petitioner submits that he is innocent and has been falsely implicated in this case out of animosity. He further submits that the petitioner has got no connection with the alleged offence. Hence, he prays for anticipatory bail of this petitioner.

Learned Public Prosecutor raises objection.

Heard learned Advocate for the petitioner as well as learned Public Prosecutor.

Perused the case record and the case diary.

Having regard to the entire facts and circumstances of this case, nature of allegation made and on perusal of the FIR and materials in the case diary collected so far and considering the injury report at page No. 15 wherefrom it appears that the injury sustained by the victim is simple in nature, as opined by the attending doctor, being an expert and considering the role played by this petitioner in the alleged offence, it appears to this Court that custodial interrogation of the petitioner is not necessary and this is a fit case where benefit of anticipatory bail under section 438 of the Code of Criminal Procedure should be extended to the petitioner.

Hence, in the event of arrest the petitioner named above shall be released on bail by the arresting officer on furnishing bail bond of **Rs. 5000/-** with two sureties of **Rs. 2500/-** each.

If released on bail, the petitioner shall comply with the conditions mentioned in section 438 (2) of the Code of Criminal Procedure.

The Criminal Misc. Case is thus disposed of.

Return the LCR and the CD.

Dictated and Corrected by me

Sessions Judge, Msd.

Sessions Judge, Murshidabad