

21.10.2020

Sl. No. 40

Srimanta

CRM/8290/2020

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure 1973 in connection with apprehension of arrest of the petitioners in connection with G.R. Case No. 4328/2019 arising out of Kaliachak Police Station Case No. 588 of 2019 dated 11.09.2019 thereby alleging the commission of offences punishable under Sections 341/326/307/34 of the Indian Penal Code, 1860 presently pending before the Learned Chief Judicial Magistrate, Malda.

And

In the matter of : Ajaul Hoque @ Md. Ejajul Hoque & Ors.

... Petitioners

Mr. Salman Hasan, Adv.

... for the petitioners.

Mr. Rana Mukherjee, Adv.,
Mrs. Ratna Ghosh, Adv.

... for the State

The petitioners undertake to appropriately stamp the petition as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that they are members of the Gram Panchayet and had filed a complaint

alleging misuse of funds by the Prodhan of the concerned Panchayet. It is further submitted as no steps were taken in the matter, petitioners approached this Court in W.P. No. 16943 (W) of 2019 whereupon a learned Single Judge of this Court directed the District Magistrate, Malda to take a decision on the complaint lodged by the petitioners within a stipulated time frame. Subsequently, they have been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the victims were mercilessly beaten and had been hospitalized.

We have considered the materials on record. Although statements of the witnesses speak of presence of the petitioners at the place of occurrence, the allegations against all the accused persons are general and omnibus in nature. No specific over act has been attributed to the petitioners by the injured victims. Possibility of false implication of the petitioners in the light of the inimical relationship between him and other members of the Gram Panchayet cannot be wholly ruled out.

In view of the facts and circumstances of the case, we are inclined in granting anticipatory bail to the petitioners, i.e., Ajaul Hoque @ Md. Ejajul Hoque, Habibur Rahaman @

Md. Habibur Rahaman, Jasimuddin Sk @ Jasimuddin Sekh,
however, subject to strict conditions.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, 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 and on condition that the petitioners shall appear before the Trial Court and pray for regular bail within four weeks from date and on further condition that the petitioners shall not enter the jurisdiction of Kaliachak Police Station except for the purposes of investigation and attending Court proceeding and shall provide the addresses where they shall reside while on bail to the Investigating Officer as well as the Court below and shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction they shall reside once in a week until further orders.

This application for anticipatory bail is, thus, allowed and disposed of.

(Samapti Chatterjee, J.)

(Aniruddha Roy, J.)