

20.11.2020.

Item No. 51

ap

**C.R.M. 8754 of 2020
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 03.11.2020 in connection with Kaliachak Police Station Case No. 665 of 2014 dated 10.09.2014 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of: Mejaj Sk. @ Merajul & Ors. ...Petitioners

Mr. Amarendra Chakraborty. ...For the petitioners

Mr. Saibal Bapuli,
Mr. Aniket Mitra.For the State

The petitioners undertake to affirm and stamp the petition as per Rules within one week of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The petitioners claim that there may not be any basis for the petitioners being implicated in the incident. At any rate, the petitioners say that they are the victims of circumstances since they may have been present at the time of the incident.

The State says that a group of 25 persons, including the petitioners, attacked a rival political group. The State claims that bombs were hurled and gunshots were fired. One of the persons succumbed to a bullet injury. The firmarms have been recovered. The State says that though it is unclear as to who fired the bullet that killed the victim, the statements of the eyewitnesses reveal that several of these petitioners

played an active role, particularly the petitioner nos.1, 3, 4, 6 and 7.

It appears from the case diary that several witnesses have named the petitioner nos.1, 3, 4, 6 and 7. It, however, does not appear that the petitioner nos.2 or 5 had much of a role or there are many statements attributing mischief to such petitioners.

Considering the circumstances, the second and fifth petitioners are granted anticipatory bail. The prayer of the petitioner nos.1, 3, 4, 6 and 7, namely, Mejaj Sk. @ Merajul, Safikul @ Md. Safiqul Islam, Sarif Sk. @ Md. Sarif Seikh, Ejaj Sk. @ Md. Ejaj Seikh and Ati @ Md. Atiqul Sk. stands rejected. Only Mojammel Sk. @ Md. Mojammel Hoque and Farid Seikh will be entitled to anticipatory bail.

In the event of arrest, the second petitioner, Mojammel Sk. @ Md. Mojammel Hoque, and the fifth petitioner, Farid Seikh, will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. Such petitioners should abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 8754 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)

