

17.12.2020
Sl No.101
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CRM 9072 of 2020

(Via video conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Metiabruz P.S. Case No.96 of 2020 dated 07.07.2020 under Sections 143/147/148/149/307/324/342/188/269 of the Indian Penal Code read with Sections 25/27 of the Arms Act and Section 51(b) of the Disaster Management Act.

And

In Re: Md. Nasim Ansari @ Mota & Ors.

... ... Petitioners.

Mr. B. Manna

... for the Petitioners.

Mr. P. Kr. Dutta

Mr. Pradipta Kr. Ganguly

... ... for the State.

It is submitted on behalf of the petitioner that the incident occurred in a free fight and case and counter case was registered between the parties.

Statements of witnesses including the injured witnesses disclose role of petitioner Nos.1 and 2, namely, Md. Nasim Ansari @ Mota and Zubair Ahmed Ansari, in firing at the victim causing gun shot injuries. Hence, we are of the opinion that this is not a fit case to allow their prayer for pre-arrest bail. Accordingly, their prayer for pre-arrest bail is rejected.

However, keeping in mind the extent of complicity of the petitioner No. 3 herein in the alleged crime and as he is not named in the FIR, we are inclined to grant the anticipatory bail to him.

Accordingly, we direct that in the event of arrest, the petitioner No.3 be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount, to the

satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)