

12.04.2021
Court No.28
Item No. 296
Krishnendu
ALLOWED

C.R.M. 798 of 2021

(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Jakir Sk. & Anr.**

.....Petitioners

Mr. S. Bhattacharyya

.....For the Petitioners

Mr. Swapan Banerjee

Mrs. Purnima Ghosh

.....For the State

Apprehending arrest in connection with Kaliachak Police Station Case No. 668 of 2015 dated 23.11.2015 under sections 302/34 of the Indian Penal Code read with sections 25/27 of the Arms Act, the petitioners have filed the present application.

The learned advocate for the petitioners submits that the petitioners have been falsely implicated in the instant case and they are not the principal accused, who has been enlarged on bail.

The learned advocate appearing for the State opposes the prayer for anticipatory bail of the petitioners. He, however, fairly submits that the present petitioners are standing on the same footing as that of Jiyem Sekh, whose anticipatory bail application was allowed by a co-ordinate Bench of this Court on 15th January, 2020.

Having considered the materials in the case diary and keeping in mind the extent of complicity of the petitioners in the alleged crime and as the principal accused is already on regular bail , we are inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners, namely, **Jakir Sk.** and **Md. Samiul Momin @ Samiul Momin**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that they shall appear before the Court below and pray for regular bail within four weeks from date.

The application for anticipatory bail, being CRM No. 798 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)

