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20-05-2021

Court 28

**C.R.M. 1336 of 2021
(Via Video Conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Amta Police Station Case No. 01 of 2019 dated 01.01.2019 under sections 147/148/149/325/326/307 of the Indian Penal Code and Section 25/27 of the Arms Act.

Allowed

Sk. Najrul @ Naju
Versus
State of West Bengal

Sk. Toslim Ali, Adv.

...for the petitioner.

Mr. Madhusudan Sur, Adv.

Mr. Dipankar Paramanick, Adv.

...for the State.

Apprehending arrest in connection with Amta Police Station Case No. 01 of 2019 dated 01.01.2019 under sections 147/148/149/325/326/307 of the Indian Penal Code and Section 25/27 of the Arms Act, the petitioner has filed the present application.

Mr. Toslim Ali, learned Counsel appearing for the petitioner submits that the petitioner has been falsely implicated and no overt act has been attributed to the petitioner. Several accused persons have already been granted anticipatory bail. Upon completion of investigation, charge sheet has also been filed. In the said conspectus, custodial detention of the petitioner is not necessary.

The learned Counsel for the petitioner has placed before us an order of a coordinate Bench dated 3rd February, 2021 in CRM 306 of 2021 (In Re: Bappa Hazari & Ors.) and submits that persons similarly placed as that of the present petitioner have been granted anticipatory bail by the coordinate Bench.

Mr. Madhusudan Sur, learned Counsel appearing for the State opposes the petitioner's prayer for anticipatory bail and draws our attention to several documents in the case diary.

Having heard the learned Advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial detention of the petitioner is not warranted.

Moreover, it appears from the order dated 3rd February, 2021 that the petitioners therein are also named in the FIR and are on the same footing as that of the present petitioner as borne out from the record.

In view of the fact that the co-accused persons have been granted anticipatory bail by a coordinate Bench and also by the learned Sessions Judge at Howrah, we are of the view that the prayer for anticipatory bail of the petitioner is required to be allowed and the custodial interrogation of the petitioner is not required.

Accordingly, we direct that in the event of arrest, the petitioner namely, Sk. Najrul @ Naju shall be released on anticipatory bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, 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.

The application for anticipatory bail is allowed.

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

(Suvra Ghosh, J.)

(Soumen Sen, J.)