

23.09.2021

CRM 2277 of 2021

Court No.28
Item No.157
(ALLOWED)

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 26.02.2021 in connection with Ratua Police Station Case No. 134 of 2018 dated 11.04.2018 under Sections 341/325/326/307/363/365/34 of the Indian Penal Code read with Sections 3/4 of the E.S. Act (G.R. Case No. 592 of 2018);

And

In the matter of : **Sahimuddin @ Fekni and others.**

...Petitioners

Mr. Musharaf Alam Sk.

...For the Petitioners

**Mr. P. K. Dutta,
Mr. Santanu Deb Roy.**

... For the State

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Ratua Police Station Case No. 134 of 2018 dated 11.04.2018 under Sections 341/325/326/307/363/365/34 of the Indian Penal Code read with Sections 3/4 of the E.S. Act, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

It is submitted by the learned Advocate for the petitioners that out of 14 charge-sheeted accused persons 10 accused persons were granted bail. The police is searching for them to arrest. The charge-sheet has been submitted. Therefore, there is no necessity to interrogate the accused persons. So, they may be released on anticipatory bail.

Learned Public Prosecutor in-Charge has raised objection

against the prayer for anticipatory bail.

We have carefully perused the case diary and specially the injury report. The injury report does not disclose the prima facie offence under Sections 326/307 of the Indian Penal Code. As the co-accused persons standing on the same footing are released on bail, the petitioners are entitled to anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners 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 learned Additional Chief Judicial Magistrate, Chanchal, Malda 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 the petitioners shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioners fail to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for anticipatory bail being CRM 2277 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)