

17.09.2021
Item no.39.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2552 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 9.3.2021 in connection with Minakhan Police Station Case No.212 of 2020 Dated 01.10.2020 under Sections 279/326/307/427/506/120B/302 of the Indian Penal Code

And

In the matter of : Md. Jebarul Alam @ Jiya & Ors.

.....Petitioners.

Mr. Partha Pratim Das,
Ms. D. Mondalfor the Petitioners.

Mr. Ranabir Roychoudhury,
Mr. Moinak Guptafor the State.

The allegation is that the petitioners hatched a conspiracy to murder the victim. When the victim was riding a motorcycle, a vehicle ran over the victim and the victim died. The complainant says that the petitioners had masterminded this incident.

We have seen the material in the case diary including the post mortem report and the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. It prima facie appears that the incident was a road accident. As

of now, no material could be found in the case diary, which would directly implicate the petitioners in the alleged offence.

On an overall assessment of the facts and circumstances of the case and the material on record and considering the extent of possible complicity of the petitioners in the alleged offence, although charge sheet is yet to be filed, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely Md. Jebarul Alam @ Jiya, Firdousi Begum @ Mani Bibi, Bablu Hossain Golder and Ummey Ha biba 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.2552 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)