

23.09.2021

Court No.28
Item No.178
(ALLOWED)

Saswata

CRM 2794 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Usthi Police Station Case No. 162 of 2020 dated 06.05.2020 under Sections 306/34 of the Indian Penal Code;
And

In the matter of : **Md. Kalimulla Laskar & Ors.**
...Petitioners

Ms. Sreyashee Biswas
Ms. Benajir Hasna

...For the Petitioners

Mr. Saswata Gopal Mukherjee, Ld. PP
Ms. Faria Hossain
...For the State.

Apprehending arrest in connection with Usthi Police Station Case No. 162 of 2020 under Sections 306/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned Advocate for the petitioners submits that they have been implicated in connection with the aforesaid case along with several co accused. One of the co accused, namely, Samirulla Laskar, has been enlarged on bail by the Court below.

After perusing the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure and the other materials from the record, it appears to us that the allegation is omnibus in nature and attributable in common to all the co accused. Since, one of the accused has been enlarged on bail within a short span of time from the date of apprehension, and furthermore the charge sheet has already been submitted, we do not find any justification in the custodial interrogation of the petitioner.

The prayer for anticipatory bail of the petitioner is **allowed**.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of ₹10,000/- (Rupees Ten

Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Diamond Harbour and the petitioners shall attend the Trial court on each date of hearing and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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 2794 of 2021 is, thus, ***disposed of.***

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)