

08.11.2021
Item no.91
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 4253 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 22.06.2021 in connection with Chapra Police Station Case No. 08 of 2021 dated 02.01.2021 under Sections 302/120B and 34 of the Indian Penal Code.

And

In the matter of : Jiyar Rahaman @ Jiyar Sekh.

.....Petitioner.

Mr. Sumanta Das, Advocate,
.....for the Petitioner.

Mr. Saibal Bapuli, Ld. APP,
Mr. Soumik Ganguli, Advocate,
.....for the State.

The petitioner is one of several accused persons. The allegation is that the accused persons jointly lynched the victim who died as a result.

We have seen the material in the case diary including the post mortem report. The same records that there was no visible injury on the body of the victim and the death was due to myocardial infraction. Charge-sheet has already been filed.

In view of the aforesaid, we are inclined to allow the petitioner's prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner namely **Jiyar Rahaman @ Jiyar Sekh** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 and on further condition that the petitioner shall report to the Investigating Officer once in a fortnight until further orders.

In case the petitioner fails 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 CRM 4253 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.)