

16.09.2021

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Ct. No. 29
sdas
Allowed

C.R.M. 5926 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 392 of 2021 dated 09.08.2021 under Sections 147/148/149/325/326/ 307/ 506/ 34 of the Indian Penal Code with Sections 25/27/35 of the Arms Act.

And

In Re : Atikur Rahaman @ Atikur Sk. & Ors. ... petitioners

Mr. Kallol Mondal
Mr. Musharraf Alam Sk.

.....for the petitioners

Mr. Rudradipta Nandy

.....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the police lodged First Information Report. He also submits that the petitioners were falsely implicated in the instant case.

Learned advocate appearing for the State draws attention of the Court to the statement recorded under Section 161 of the Code of Criminal Procedure and the Case Diary. He further submits that one of the persons sustained gunshot injury.

Considering the statement under Section 161 of the Code of Criminal Procedure and considering the fact that the

petitioners are not named as the persons using the firearms, we are inclined to grant anticipatory bail to the petitioners.

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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioners shall meet the investigating officer once in a week until further orders and shall not enter into the jurisdiction of Baishnabnagar Police Station till the conclusion of the investigation except obtaining regular bail and attending Court proceedings and shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)