

08.11.2021

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M. 6574 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **420** of **2021** dated **04.06.2021** under Sections 341/323/324/308/354/34 of the Indian Penal Code, 1860.

And

In Re : Josimuddin Hoque @ Jashimuddin Haque
@ Jashimuddin @ Jasimuddin & Anr.

..... petitioners

Mr. Arup Sarkar
Mr. Debayan Ghosh

.....for the petitioners

Mr. Saswata Gopal Mukherjee, Ld. Public Prosecutor
Ms. Faria Hossain
Ms. Sonali Das

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, since the petitioner no. 1 was arrested and was subsequently released on bail by the Jurisdictional Court, the application be treated as not pressed on behalf of the petitioner no. 1 (Josimuddin Hoque @ Jashimuddin Haque @ Jashimuddin @ Jasimuddin). Learned advocate for the petitioner on behalf of petitioner no. 2 submits that, since the police submitted charge-sheet, custodial interrogation of the petitioner no. 2 is not required.

Learned advocate appearing for the State draws the attention of the Court to the contents of the case diary.

Considering the fact that the police submitted charge-sheet and considering the fact that the petitioner no. 1 was granted bail by the Jurisdictional Court, we grant anticipatory bail to the petitioner No. 2 (Aktar Hosen @ Akhtar Hossain @ Sk. Aptab).

The petition is dismissed as not pressed in respect of petitioner no. 1 (Josimuddin Hoque @ Jashimuddin Haque @ Jashimuddin @ Jasimuddin).

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

