

12.03.2021
Item no. 117
Ct.04
PG

C.R.M. No.11180 of 2020

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 47 of 2020 dated 30.01.2020 under Sections 302/326/307/34 of the Indian Penal Code and Sections 27/35 of Arms Act.

And

In the matter of:- Golam Rejiul Sarkar @ Golam Rejaul
Sarkar
... petitioner

Md. Sarwar Jahan
Mr. Anisur Rahaman .. for the petitioner

Mr. Rana Mukherjee
Ms. Sujata Das ..for the State

The present application under section 438 of the Code of Criminal Procedure filed at the instance of Golam Rejiul Sarkar @ Golam Rejaul Sarkar is taken up for hearing and order.

It is submitted on behalf of the petitioner that he is innocent and was not present in the group which attacked and injured several persons or shot at the victim.

State opposes the prayer for anticipatory bail and refers to the post-mortem report as well as statement of witnesses in the case diary.

It appears from the case diary that the petitioner was prima facie not observed with the gun. No specific overt act has been attributed to the petitioner in the alleged offence. Charge sheet

has been submitted. Having considered the materials in the case diary, we are of the opinion that detention of the petitioner is not required.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand) only with two sureties of like amount to the satisfaction of the arresting officer and also subject to the conditions as laid down under section 438 (2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, accordingly, allowed.

C.R.M. No.11180 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)

