

22.12.2021
Court No.01
Item No. 24

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

**CRM 957 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No. 225 of 2021 dated 05.05.2021 under Sections 341/326/307/34 of the Indian Penal Code.

And

In Re: **Ajimul Haque & Ors.**

Petitioners

Mr. Sudip Ghosh

For the Petitioners

Mr. Nilay Chakraborty
Mr. Tapan Bhattacharya

For the State

The learned Counsel for the petitioners submits that the petitioners are innocent and out of enmity, the petitioners have been falsely implicated in the present case.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Having considered the materials available in the case diary and bearing in mind the nature and extent of complicity of the petitioners in the commission of alleged offence and also having regard to the statement of the injured recorded under Section 161 of the Code of Criminal Procedure, we are inclined to grant anticipatory bail to the petitioner nos.5, 6, 7, 8, 10 and 11. But we reject the application for anticipatory bail of the petitioner nos. 1, 2, 3, 4 and 9.

Accordingly, we direct that in the event of arrest the petitioner nos.5, 6, 7, 8, 10 and 11, namely, **Adom Umar Ali @ Alom Ali, Jahir Ali, Ashadul Haque,**

Ajidul Haque, Aminul Haque and Najimul Ali @ Nazimul Hoque, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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.

This order shall remain valid for a period of four weeks from this date, within which time the petitioner nos.5, 6, 7, 8, 10 and 11 shall surrender and obtain regular bail from the learned Additional Chief Judicial Magistrate, Dinhata and the learned Court below shall decide the application without being influenced by the observations made by us in this order.

The application for anticipatory bail of the petitioner nos.5, 6, 7, 8, 10 and 11 is allowed and the application for anticipatory bail of the petitioner nos. 1, 2, 3, 4 and 9 is rejected. CRM 957 of 2021 is accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J)

(Soumen Sen, J)