

29.03.2022

Serial no. 109

[Dd]

(anticipator bail

Allowed)

CRM(A) 346 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chitpore** Police Station Case No. **11** of **2021** dated **23.01.2021** being General Record no. 207 of 2021 under Sections **302/34** of the Indian Penal Code read with Sections **25(1B)(a)/27** of the Arms Act, 1959.

-And-

In the matter of : **Md Ahmed**

... ... Petitioner

*Mr. Sekhar Basu, Id. sr. adv.,
Mr. Arindam Jana,
Mr. Akashdeep Mukherjee,
Mr. Pritam Chatterjee, Advocates
... ... For the Petitioner*

*Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta, Advocates
... ...For the State*

Petitioner seeks anticipatory bail.

Learned senior advocate appearing for the petitioner submits that the petitioner was not named in the first information report. The petitioner is sought to be roped in the proceeding on the basis of a statement of a witness recorded under Section 161 of the Criminal Procedure Code. He submits that the police filed charge sheet against all the other accuseds who are on bail. Therefore, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the statement of one of the witnesses recorded under Section 161 of the Criminal Procedure Code.

From the statement of such witness, it appears that one Imran fired the fatal shot murdering the victim.

The petitioner is sought to be present in the mob. The other co-accuseds who are part of the mob was granted bail by the jurisdictional Court. The police filed charge sheet.

In the circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM(A) 346 of 2022 is disposed **of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)