

4 20.04.2022
(AD) Court No.29
(Partly
Allowed)

C.R.M. (A) 1743 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Burdwan** P.S. Case No.**218 of 2022** dated **03/03/2022** under Sections **448/354/326/307/506/34** of the Indian Penal Code.
And

In the matter of: Sekh Nurulhuda & Ors.

....petitioners.

Mr. Tanmay Basu
Mr. Shamik Bagchi
Mr. Dipankar Banerjee

...for the petitioners.

Mr. Prasun Kumar Datta
Mr. S. Deb Roy

... for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioner no.8 was arrested and, therefore, the petition is not pressed on his behalf.

Consequently, **C.R.M. (A) 1743 of 2022** is dismissed as not pressed for the petitioner no.8, namely, Geba Sekh @ Sekh Gabir.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. The incident arose out of difference in political ideology.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary and the injury report of the victim.

The injured suffered a fracture. There is a statement

implicating the petitioner nos.1,3 and 10 in the incident specifically. Consequently, we are unable to grant anticipatory bail to the petitioner nos.1, 3 and 10, namely, Sekh Nurulhuda, Sk. Sajahan and Sekh Raju.

So far as the other petitioners, that is, the petitioner nos.2,4,5,6,7 and 9, namely, Sekh Rabiul, Sk. Miraj, Sk. Haider Ali, Sk Rocky @ Sk Roki, Sk. Raja and Sk. Arab, are concerned, considering their involvement in the incident, we grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the petitioner nos.2,4,5,6,7 and 9 shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each 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 and on further condition that the petitioner nos.2,4,5,6,7 and 9 will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner nos.2,4,5,6,7 and 9 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 nos.2,4,5,6,7 and 9 in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner nos.2,4,5,6,7 and 9, namely, Sekh Rabiul, Sk. Miraj, Sk. Haider Ali, Sk Rocky @ Sk Roki, Sk. Raja and Sk. Arab, is allowed.

C.R.M. (A) 1743 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)