

10.05.2022

Serial no. 33

[Dd]

(Anticipatory bail
Allowed)

CRM (A) 2101 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bhangore** Police Station Case No. **169** dated **07.04.2021** under Sections **325/308/341/34** of the Indian Penal Code, corresponding to G.R. No. **2053** of **2021**.

-And-

In the matter of : **Miraj Ali alias Miraj Hossain**

... .. Petitioner

*Ms. Minoti Gomes,
Mr. Md. Adil Badr
Mr. Sobhan Gani,
Mr. Md. Aqib Badr
Mr. Prakash Mishra,
Mr. Shahinur Islam, Advocates
... .. For the Petitioner*

*Mr. Madhusudan Sur, Id. APP
Mr. Manoranjan Mahata, Advocates
... ..For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the police filed charged sheet and, therefore, custodial interrogation of the petitioner is not required. She contends that the 21 co-accuseds were granted anticipatory bail by the jurisdictional Court. Some of the co-accuseds were granted bail by the jurisdictional Court.

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

In response to the query of the Court, he submits that the injured persons recording the statement under Section

161 of the Criminal Procedure Code did not name the petitioner.

Considering the materials in the case dairy and considering the fact that injured persons did not name the petitioner and considering the fact that police filed charge sheet, 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) 2101 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)