

29.06.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2990 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Goalpokher** Police Station Case No. **14** of **2020** dated **17.01.2020** under Sections 447/326/307/34 of the Indian Penal Code, 1860.

And

In Re : Abdul Karim & Ors.

..... petitioners

Mr. Rana Mukherjee

Mr. M.F.A. Begg

Ms. Rita Patra

....for the petitioners

Mr. Madhusudan Sur

Mr. Arijit Ganguly

Mr. Sanjib Kumar Daan

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners are Border Security Force (BSF) personnel. The police filed charge-sheet and, therefore, custodial interrogation of the petitioners are not required.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the fact that the petitioners are BSF personnel and considering the fact that the incident alleged is in respect of duty that they were discharging as such personnel, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)