

08.07.2022
Serial no.19
Aloke

CRM (A) 3225 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Joypur Police Station Case No. 04 of 2022 dated 14.01.2022 under Sections 143/341/323/324/325/308/506 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code was added.

-And-

In the matter of : **Kutubuddin Mondal & Anr.**

... ... Petitioners

Ms. Juin Dutta Chakraborty, Advocate

Mr. Souma Subhra Ray, Advocate

... ... For the Petitioners

Mr. Swapan Banerjee, Advocate

Ms. Purnima Ghosh, Advocate

... ...For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that other co-accused were enlarged on bail.

Learned Advocate appearing for the State submits that

There is criminal antecedent so far as the first petitioner is concerned. He is involved in a police case inter alia under Section 302 of the Indian Penal Code. He refers to the statement recorded under Section 164 of the Code of Criminal Procedure.

The statement recorded under Section 164 of the Code of Criminal Procedure does not name both the petitioners.

So far as the first petitioner is concerned, there is criminal antecedent. In such circumstances, we are unable to grant anticipatory bail to the first petitioner (Kutubuddin Mondal).

So far as the second petitioner is concerned, we are inclined to grant anticipatory bail to second petitioner (Kader Ali Khan @ Kader Kha).

Accordingly, we direct that in the event of arrest the petitioner no. 2 (Kader Ali Khan @ Kader Kha) 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 condition that the petitioner no. 2 (Kader Ali Khan @ Kader Kha) shall meet the Investigating Officer once in a week till the conclusion of the investigation and on condition that petitioner no. 2 shall appear on every date 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 no. 2 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner no. 2 (Kader Ali Khan @ Kader Kha) is allowed.

Prayer for anticipatory bail of the petitioner no. 1 (Kutubuddin Mondal) is rejected.

CRM (A) 3225 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)