

11.07.2022  
Serial no.29  
Aloke

**CRM (A) 3278 of 2022**

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 184 of 2020 dated 02.05.2020 under Sections 341/325/326/307/506/34 of the Indian Penal Code.

-And-

In the matter of : **Md Mehedi Hasan & Anr.**

... .. Petitioners

Mr. Sabir Ahmed, Advocate  
Mr. A.A. Alamgir, Advocate  
Ms. Rabia Khatoon, Advocate

... .. For the Petitioners

Mr. Madhusudan Sur, Id. APP  
Mr. Manoranjan Mahata, Advocate

... ..For the State

Petitioners renew the prayer for anticipatory bail.

Prayer for anticipatory bail was disposed of by an order dated March 11, 2021 by returning a finding that the petitioners were not named in the charge-sheet.

Learned Advocate appearing for the petitioners submits that the police filed a supplementary charge-sheet on March 2022 naming the two petitioners therein.

Learned Advocate appearing for the State submits that there is a proclamation requiring the attendance of the petitioners issued by the jurisdictional Court. He refers to the materials in the case diary and submits that there are 164 Statement of eye witnesses implicating the petitioners. He submits that a person was murdered.

Learned Advocate appearing for the petitioners submits that three other co-accused were enlarged on anticipatory bail by the Coordinate Bench after considering the materials in the case diary.

Both the petitioners are before us were named in the statement of the witnesses recorded under Section 164 of the Code of Criminal Procedure. The three co-accused were enlarged on anticipatory bail by the Coordinate Bench were also named in the statement recorded under Section 164 of the Code of Criminal Procedure.

The three persons who were enlarged on anticipatory bail by the Coordinate Bench did not suffer an order of proclamation of appearance as the present petitioners suffer from.

Contentions are raised with regard to the order of proclamation.

It is contended that the proclamation were not against the present petitioners.

The present petitioners have aliases. The warrant of arrest issued against the present petitioners were with their aliases as they used.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is rejected.

CRM (A) 3278 of 2022 is dismissed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**