

06.01.2023

Sl.16

Court No.29

(AD)

(Allowed)

C.R.M. (A) 33 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khanakul** Police Station Case No.**347** dated **29.08.2021** under Sections **143/147/148/427/380/436/504/506** of the Indian Penal Code, 1860 and **3/5** of the Explosive Substances Act, 1908 .

And

In the matter of: **Injamamul Haque Mallick**

....petitioner.

Mr. Niladri Sekhar Ghosh

Ms. Sompurna Chatterjee

Mr. Sourav Mondal

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP

Mr. Soumik Ganguli

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner draws the attention of the Court to the order dated July 11, 2022 passed in CRM (DB) 2218 of 2022. He submits that there was a previous murder. The petitioner was falsely implicated. He relies upon the observations made by the Coordinate Bench on July 11, 2022 while granting bail to the other co-accuseds.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that there are photographs evidencing the happening of the incident. He refers to the statements recorded under Section 161 of the Code of Criminal Procedure.

The statements recorded under Section 161 of the Code of Criminal Procedure implicate the petitioner.

The police filed charge sheet.

There are observations made by the Coordinate Bench in relation to the present police case.

In such circumstances, we 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 33 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)