

16.01.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 164 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **346** of **2022** dated **10.08.2022** under Sections 448/354B/326/307/506/34 of the Indian Penal Code, 1860 read with Sections 25/27 of the Arms Act.

And

In Re : Md. Nabijan Ali

..... petitioner

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate

Mr. Khairul Alam

....for the petitioner

Mr. S. S. Imam

Mr. R. Jana

....for the State

The police complaint was lodged after about ten days of the incident.

The petitioner is not the principal accused, apparently.

The principal accused was enlarged on bail by the jurisdictional Court.

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/-, 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 meet the Investigating Officer once a fortnight till the conclusion of the investigation 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)