

04.04.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 1406 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Samsherganj** Police Station Case No. **134** of **2022** dated **22.04.2022** under Sections **326/308/34** of the Indian Penal Code and adding Section **304** of the Indian Penal Code.

And

In the matter of: Halim Sk. @ Md. Abdul Halim

..... petitioner

Ms. Minoti Gomes,

Mr. J. I. Hossain

....for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.

Mr. Arani Bhattacharya

....for the State

Police filed charge-sheet.

The son of the victim recorded his statement under Section 164 of the Criminal Procedure Code where he does not claim the petitioner as one of the assailants.

Learned advocate appearing for the State submits that the persons named in the 164 statement were arrested by the police.

In such circumstances, considering the involvement of the petitioner in the incident, 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 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.)