

15.06.2023
Sl. 118
Court No. 29
Suvayan
(Partly Allowed)

C.R.M. (A) 2245 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Domkal** Police Station Case No. **253** of **2023** dated **13.04.2023** under Section **376D** of the IPC.

And

In the matter of: **Mustakim Sk @ Langra @ Mustakin Hossain Sk & Ors.**

....petitioners.

Md. G. N. Imrohi

...for the petitioners.

Mr. Neguive Ahmed

Ms. Ayantika Roy

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed by them including the statement of the victim recorded under Section 164 Cr.P.C. It is found that there is serious allegation against the petitioner No. 2, Sabir Sk @ Sabbir Sk and the petitioner No. 3, Mannan Sk @ Manarul Islam in the aforesaid statement of the victim which shake out conscience.
3. So far as petitioner No. 1, Mustakim Sk @ Langra @ Mustakin Hossain Sk and petitioner No. 4, Khalek Sk @ Abdul Khalek Sekh are concerned. However, there is no such allegation against them and it is also fairly submitted at the Bar that there is no allegation against the petitioner No. 1, Mustakim Sk @ Langra @ Mustakin Hossain Sk and petitioner No. 4, Khalek Sk @ Abdul Khalek Sekh.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner No. 1, Mustakim Sk @ Langra @ Mustakin Hossain Sk and petitioner No. 4, Khalek

Sk @ Abdul Khalek Sekh, substantial progress in the investigation, it is directed that the petitioner No. 1, Mustakim Sk @ Langra @ Mustakin Hossain Sk and petitioner No. 4, Khalek Sk @ Abdul Khalek Sekh shall be released on bail by the Arresting Officer in the event of their arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case in connection with Domkal P.S. case No. 253 of 2023 dated 13.04.2023 including the condition that, i) the petitioner No. 1, Mustakim Sk @ Langra @ Mustakin Hossain Sk and petitioner No. 4, Khalek Sk @ Abdul Khalek Sekh shall appear before the I.O. once in a week on the day and time fixed by the I.O. till submission of Final Form; ii) as both the aforesaid petitioners are stated to be migrating labourers, the I.O. shall do the needful to collect their address, mobile phone number, etc. after filing of charge-sheet for issuance of summon/notice to them at the time of trial.

5. Within 3 weeks of the receipt of server copy or certified copy of this order, the petitioner No. 1, Mustakim Sk @ Langra @ Mustakin Hossain Sk and petitioner No. 4, Khalek Sk @ Abdul Khalek Sekh are directed to appear before the I.O. alongwith a copy of such order.
6. So far as petitioner No. 2, Sabir Sk @ Sabbir Sk and the petitioner No. 3, Mannan Sk @ Manarul Islam are concerned, their prayer for anticipatory bail is rejected.
5. Accordingly, the prayer for the anticipatory bail is partly

allowed.

6. The application being **CRM (A) 2245 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

