

05.07.2023

Sl. 9

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2345 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kaliyaganj** Police Station Case No. **550 of 2022** dated **28.11.2022** under Sections **364(A)/120B** of the IPC in correspondence to G.R. case No. **2928 of 2022** pending before the learned CJM, Uttar Dinajpur at Raiganj.

And

In the matter of: **Mahibur @ Mahibul Hussain**

....petitioner.

Mr. Kunal Ganguly

Ms. Jenifar Alam

...for the petitioner.

Mr. Madhusudan Sur, APP

Mr. Arabinda Manna

...for the State.

1. Heard learned Counsel for both the parties.
2. Learned Counsel for petitioner is allowed to make necessary correction so far as the name of the petitioner in the cause title is concerned. The correction be carried out in the Court today.
3. One Bappa @ Bappaditya Dutta, a co-accused person is stated to be similarly circumstanced with the present petitioner and he is stated to have been released on anticipatory bail on 27.04.2023 in CRM (A) 1803 of 2023.
4. Considered the materials placed by learned Counsel for the parties including the statement of the victim recorded under Section 164 Cr.P.C. The victim who is an employee of the informant is stated to have been recovered on the same day. It is also found that the present petitioner is on similar footing with aforesaid Bappa @ Bappaditya Dutta. Investigation is stated to have progressed substantially and chage-sheet has been filed.

5. Regard being had to facts and submissions, factum of permanent residence of the petitioner, ground of parity and completion of investigation, it is directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Uttar Dinajpur, Raiganj within 15 days from today in G.R. case No. 2928 of 2022 arising out of aforesaid P.S. case. On his appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. The learned Chief Judicial Magistrate is directed to act upon the server copy of this order, if required.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 2345 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

