

12. 30.06.2023
Ct.6 Tanmoy Ghosh

Allowed

CRM (A) 2429 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Chakdah Police Station Case No. 82 of 2023** dated **11/02/2023** under Sections **341/325/506/34** of the Indian Penal Code with added Section **308** of the Indian Penal Code, 1860.

And

In the matter of: - **Josimuddin Sekh @ Josim Sk & Ors.**

...petitioners.

Ms. Rupsa Sreemani, Adv.

...for the petitioners.

Mr. Narayan Prasad Agarwala, Adv.,
Mr. Pratick Bose, Adv.

...for the State.

The petitioners say that the case was instituted under bailable Sections of the Indian Penal Code. Subsequently, Section 308 was added i.e., the charge of attempt to commit culpable homicide.

The petitioners say that they have no role to play in the alleged incident. They have been framed in the matter. They say that they are ready, willing and prepared to co-operate with the Investigating Officer to the fullest extent.

We have seen the material in the case diary produced by learned Advocate for the State. We have also seen the injury report. The victim was admitted but discharged from hospital on the next day. Learned Advocate for the State has no instruction in this behalf.

On an overall assessment of the material on record and the possible extent of complicity of the petitioners in the alleged incident, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they fully co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Josimuddin Sekh @ Josim Sk, Kader Ali Mondal @ Kadar Ali** and **Sabir Ali Sekh**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, until further orders and on further condition that the petitioners shall report to the Investigating Officer once every fortnight until completion of investigation.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM (A) 2429 of 2023 is thus allowed and disposed of.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)