

17.07.2023

SL. 9

Court No. 29

Suvayan

(Partly allowed)

C.R.M. (A) 2507 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Baishnabnagar** Police Station Case No. **182 of 2019** dated **14.04.2019** under Sections **341/326/34** of the IPC read with Sections **25/27** of the Arms Act.

And

In the matter of: **Motiur @ Motiur Rahaman & Ors.**

....petitioners.

Mr. Abhra Mukherjee

Mr. Sanjoy Kumar Das

...for the petitioners.

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

...for the State.

Mr. Sudip Banerjee

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. Petitioner No 3, Motahar Hossain is stated to have been released on regular bail in the meantime.
3. Learned Counsel for the petitioners does not to press the application for petitioner No 3, Motahar Hossain.
4. Accordingly, this application for anticipatory bail in respect of petitioner No 3, Motahar Hossain is dismissed as not pressed.
5. So far as other petitioners are concerned. It is fairly submitted at the Bar that they are not the principal accused and the gun shot injury as we found from the medical examination report might be a grazing injury as there is no exist and entry wound and said injury is stated to have been caused by Amirul @ Amir Mia. The investigation is stated to have been progressed substantially.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation against them and substantial progress in the investigation, it

is directed that each of the petitioner No. 1 (Motiur @ Motiur Rahaman), petitioner No. 2 (Samiruddin Sekh @ Samir Sekh) and petitioner No. 4 (Manjur Hossain) 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 the aforesaid P.S. case.

7. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
8. Within 21 days from today each of the petitioner No. 1 (Motiur @ Motiur Rahaman), petitioner No. 2 (Samiruddin Sekh @ Samir Sekh) and petitioner No. 4 (Manjur Hossain) shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
5. Accordingly, the prayer for the anticipatory bail is partly allowed.
6. The application being **CRM (A) 2507 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

