

07.08.2023
(D/L 47)
Ct. No.29
Partly Allowed
(SKB)

CRM (A) 2799 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kushmandi P.S. Case No.82 of 2023 dated 14.04.2023 under Sections 341/323/325/307/354/34 of the Indian Penal Code (corresponding to G.R. Case No.354 of 2023.

In the matter of : Dasiruddin Ahamed
@ Dachhiraddin Ahammed and others
... petitioners

Ms. Minoti Gomes,
Mr. M. H. Chowdhury,
Mrs. Mobashshara Alam
... for the petitioners

Mr. Antarikhya Basu
... for the State

1. Heard the learned Counsel for the parties.
2. Considered the materials placed by them including the injury report in respect of two victims. The weapon of offence used in the case is stated to be a heavy 'lathi' and situs of injury on both the victims is stated to be on their heads out of which one has suffered grievous injury resulting in haemorrhage. Petitioner nos.1 and 3(Dasiruddin Ahamed @ Dachhiraddin Ahammed and Masipur Rahaman @ Maijur Rahaman) are stated to have mounted the assault in the statement of the victims recorded under Section 161 Cr.P.C.
3. Charge-sheet is stated to have been filed.

4. In view of such allegation, we are not inclined to exercise our discretion in favour of petitioner nos.1 and 3(Dasiruddin Ahamed @ Dachhiraddin Ahammed and Masipur Rahaman @ Maijur Rahaman) under Section 438 Cr.P.C.
5. Accordingly, the prayer for anticipatory bail in respect of petitioner nos.1 and 3 are rejected.
6. So far as petitioner no.2 (Abdul Rashid) is concerned, there being no allegation of assault against him, the petitioner no.2(Abdul Rashid) is directed to surrender before the learned ACJM, Gangarampur at Buniadpur, Dakshin Dinajpur in the G.R. Case No.354 of f2023 arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. Accordingly, the prayer for the anticipatory bail is partly allowed.
8. The application being CRM(A) 2799 of 2023 is disposed of.
9. The learned court below is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)