

19.09.2023
SL. 15
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3717 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nalhati** P.S. Case No. **211 of 2023** dated **29.06.2023** under Sections **341/323/325/326/307/34** of the IPC adding Section **302** IPC corresponding to G.R. Case No. **957 of 2023** pending before the learned ACJM, Rampurhat, Birbhum.

And

In the matter of: **Monirul Sekh @ Moni Sk**

....petitioner.

Mr. Bitasok Banerjee

Mr. A. Salam

...for the petitioner.

Mr. Prasun Kumar Dutta

Mr. Subrato Roy

Ms. Sonali Das

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed before us including the FIR and the statement of the witnesses recorded under Section 161 Cr.P.C. From the materials on record, it is found that the present petitioner was there with the co-accused persons and it is alleged that all the accused persons assaulted the deceased by 'lathi'. So far as the present petitioner is concerned, no specific overt act has been alleged against him except his presence.
3. Charge-sheet has been filed.
4. We do not find any justification for custodial interrogation of the present petitioner.
5. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum within 15 days from today in the G.R. case No. 957 of 2023 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 including the condition that:

- i) The petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to the provision of Section 317 Cr.P.C.
6. The learned ACJM, Rampurhat, Birbhum 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) 3717 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

