

21.09.2023
ML. 245
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3853 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chanchal** P.S. Case No. **1471 of 2022** dated **20.12.2022** under Sections **447/325/354/308/34** and added Section **302** of the IPC corresponding to G.R. Case No. **3425 of 2022** pending before the learned ACJM, Chanchal, Malda.

And

In the matter of: **Jahiruddin & Anr.**

....petitioners.

Mr. Atarul Hoque Molla

Ms. Riya Das

...for the petitioners.

Mr. Asif Dewan

...for the State.

1. Heard learned Advocate for both the parties.
2. One Sultan Ali is admittedly the principal accused, who is alleged to have dealt the fatal blow with a 'lathi' (bamboo stick) on the head of the deceased. So far as the present petitioner No. 1 is concerned it is alleged that he was also armed with a 'lathi' and he also assaulted the deceased. So far as petitioner No. 2 is concerned there is no allegation of specific overt act against him, as submitted fairly at the Bar.
3. From the postmortem report, we do not find any other injury except the injury on the head and from the statement of the witnesses it is found that except Sultan Ali nobody has been attributed with any overt act so far as the assault on head is concerned. The aforesaid Sultan Ali is stated to have been released on regular bail in the meantime.
4. Regard being had to facts and submissions, factum of permanent residence of the petitioners, nature of allegation and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Additional Chief Judicial

Magistrate, Chanchal, Malda within 15 days from today in the G.R. case No. 3425 of 2022 arising out of aforesaid P.S. case.

5. On their appearance and application for bail each of 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 ACJM, Chanchal, Malda 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) 3853 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

