

05.10.2023
D/L 19
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4065 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Farakka P. S. Case No.279 of 2023 dated 09.07.2023 under Section 9 MPO Act (G.R. Case No.1665 of 2023).

In the matter of : Mozibur Rahaman
@ Mojibur Rahaman and others
... Petitioners

Ms. Sreyashee Biswas,
Ms. Benajir Hasna,
Mr. Aliul Islam
... for the petitioners

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta
... for the State

1. Heard learned counsel for the parties.
2. The incident as involved in this case arises during the last Panchayat election where it has been alleged that the present petitioners have failed to maintain public order in accordance with law. Though there are some incriminating materials as against the petitioners in the CD and though there are some criminal antecedent against the petitioners, we are inclined to allow the prayer for anticipatory bail of the petitioners with some stringent conditions.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation and substantial progress in investigation, it is

directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the G.R. Case No.1665 of 2023 arising out of aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:

- i) The petitioners are directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - ii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
4. Accordingly, the prayer for the anticipatory bail is allowed.
 5. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
 6. The applications being CRM(A) 4065 of 2023 is disposed of.
 7. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)