

16.10.2023
D/L 03
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4168 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ratua P. S. Case No.402 of 2023 dated 12.07.2023 under Sections 448/325/326/307/354/34/302 of the Indian Penal Code (G.R. No.2004 of 2023).

In the matter of : Md. Mumtaj Ali @ Muntaj and others
... Petitioners

Mr. Robiul Islam,
Mr. Raju Mondal,
Mr. Jayed Hosain

... for the petitioners

Ms. Zareen N. Khan,
Mr. Ashoke Das

... for the State

1. Heard learned counsel for the parties.
2. We have considered the materials placed before us including the statements of the witnesses recorded under Section 161 Cr.P.C. From such statements, we find that though the witnesses have stated about the presence of the petitioners in the fight between two political groups after the Panchayat Election, no specific overt act has been attributed to any of the petitioners. Some of the co-accused persons are stated to have been released on anticipatory bail.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence 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 G.R. No.2004 of 2023 arising out

of the 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 I.O. once in a week on the day and time fixed by the I.O. 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.
 - iii) The petitioners shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.
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) 4168 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.)