

20.11.2023
SL. 35
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 4358 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nabagram** Police Station Case No. **213** of **2023** dated **16.06.2023** under Sections **341/325/326/307/302/34** IPC read with Sections **25/27** of the Arm Act (corresponding to G.R. Case No. 1909 of 2023).

And

In the matter of: **Dalim Sk & Ors.**

....petitioners.

Mr. Sabir Ahmed
Mr. Abdur Rakib
Mr. Biswajit Sarkar
Mr. Dhiman Banerjee
Mr. T. Ahmed
Mr. Suman Biswas
Mr. Soham Chakraborty

...for the petitioners.

Mr. Neguive Ahmed, Ld. APP
Ms. Ayantika Roy

... for the State.

1. Heard learned Counsel for the parties.
2. It is contended on behalf of the petitioners that the present accused persons have been falsely implicated in this case out of political rivalry.
3. While opposing the prayer for anticipatory bail, learned Counsel for the State draws our attention to the statement of the witnesses as recorded under Section 161 as well as under Sections 164 Cr.P.C. and the post mortem report.
4. On perusal of the post mortem report, we find at least five fatal injuries on the head of the victim which opined to be the cause of homicidal death of the victim. Admittedly, the name of the present petitioners along with other co-accused persons are transpiring in the CD especially, from the statement of the witnesses as mentioned supra.
5. However, considering the fact that investigation has already

been completed, we do not find any necessity of custodial interrogation of the present petitioners.

6. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, ground of parity and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Lalbahg, Murshidabad in G.R. Case No. 1909 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On their appearance and application for bail, they 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 petitioners shall appear before the learned Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C. with a further condition, the present petitioners shall not leave the territorial jurisdiction of the learned trial Court without obtaining prior permission of the learned trial Court during investigation.
7. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 4358 of 2023** is disposed of.
9. Learned Additional Chief Judicial Magistrate, Lalbahg, Murshidabad is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

