

20.11..2023
D/L 39
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4368 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chopra P. S. Case No.513 of 2023 dated 18.06.2023 under Sections 341/326/307/34/302 of the Indian Penal Code (G.R. Case No.1807 of 2023).

In the matter of : Ajahar Ali

... Petitioner

Mr. Kaushik Chaudhury,
Ms. Busra Khatoon

... for the petitioner

Mr. P. K. Datta, ld. APP
Mr. Santanu Deb Roy

... for the State

1. Heard learned advocates for the parties.
2. Though learned advocate for the petitioner claimed parity with the accused enlarged on anticipatory bail by this court on 25.08.2023 in CRM(A) 3298 of 2023, but Mr. Dutta, learned APP, for the State while opposing the prayer for anticipatory bail, draws attention of this court to the statement of one eye witness, Md. Bablu, as recorded under Section 164 Cr.P.C.
3. It is contended by Mr. Dutta that since the present petitioner is also a co-assailant with the principal accused Julu, the present petitioner's footing is different from the footing of the accused enlarged on anticipatory bail in the aforementioned case.

4. From the statement of the alleged eye witness, namely; Md. Bablu, we find that the present petitioner is allegedly to have been given a blow on the cheek of the victim which cannot be considered to be a fatal one and the same gets also no corroboration from the post-mortem report of the victim.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence, ground of parity and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the G.R. Case No.1807 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 petitioner is 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 petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.

7. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
8. The applications being CRM(A) 4368 of 2023 is disposed of.
9. 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.)