

05.12.2023
(A. 30)

C.R.M. (A) 4380 of 2023

Court No. 29

S. Banerjee

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

And

In the matter of: **Nur Alam Sekh & Ors.**

....petitioners

Md. Sabir Ahmed
Mr. Abdur Rakib
Mr. Biswajit Sarkar
Ms. Suman Biswas
Mr. Dhiman Banerjee

...for the petitioners

Mr. Madhusudan Sur
Mr. Arabinda Manna

...for the State

1. Heard learned Counsel for both the parties.
2. It is contended on behalf of the petitioners that the instant application for anticipatory bail may be considered favourably since the present petitioners are standing on the same footing with the co-accused already enlarged on anticipatory bail in CRM(A) 4315 of 2023 on 16.10.2023 by this court and also in CRM(A) 4358 of 2023 on 20.11.2023 also by this court.
3. Such prayer was opposed on behalf of the State by drawing our attention to the statements of the witnesses as recorded under Section 164 of the Code of Criminal Procedure.
4. On perusal of the entire materials on record placed before this court, we find that though the names of the present petitioners have been mentioned in such statements as recorded under Section 164 of the Code of Criminal Procedure, the said witnesses have stated nothing specific

about the alleged overt act by the present petitioners which appears to be very relevant in view of addition of Section 34 of IPC in the instant case.

5. It appears that the present petitioners' footings are almost similar to the co-accused persons already enlarged on anticipatory bail in the aforementioned two cases. Investigation has also been completed in the meantime. Therefore, custodial interrogation of the present petitioners is not necessary.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, grant of parity and completion of investigation, it is directed that the petitioners shall surrender before the Additional Chief Judicial Magistrate, Lalbagh, Murshidabad in G. R. Case No. 1909 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail, he 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 petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to provision of Section 317 of Code of Criminal Procedure 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) 4380 of 2023** is disposed of.
9. Learned Additional Chief Judicial Magistrate, Lalbagh,

Murshidabad is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)