

5.12.2023
(M/L 42)
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4565 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chanchal P. S. Case No.412 of 2023 dated 10.04.2023 under Sections 447/323/325/326/307/34/302 of the Indian Penal Code (G.R. No.957 of 2023).

In the matter of : Mansur Alam

... Petitioner

Mr. Ashoke Das,
Mr. S. Laskar,
Ms. H. Jana

... for the petitioner

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty

... for the State

Mr. Imdodul Hoque

... for the defacto complainant

1. Heard learned counsel for the parties.
2. We have already disposed of two petitioners for anticipatory bail vide CRM(A) 2365 of 2023 and CRM(A) 2555 of 2023 on 20.7.2023 and 01.8.2023 respectively. It is beneficial to mention here that in paragraph 3 of the order dated 20.7.2023 in CRM(A) 2365 of 2023, the name dictated as Manjur had been wrongly typed as 'Diljur' and the mistake had cropped up and subsequently, in paragraph 2 of the order dated 01.08.2023 in CRM(A) 2555 of 2023 same mistake was done.
3. There are statements of many eye witness including the injured, regarding transaction which happened in the

field alleged to be in the possession of the defence party where prosecution party came to encroach upon and the dispute ensued.

4. From the statements of Dulu Md., Samina Khatun and Rajesh Ali, it is found that it is Manjur and Rejaul who are alleged to have rushed to the spot and assaulted the deceased on his head by Kodai (Spade) while four persons namely, Masuda, Rezina, Amina and Salema had caught hold the deceased.
5. From the statement of the injured, Arif Hassan, it is found that Manjur, Mansur (present petitioner), Ansar and female members assaulted the deceased by Spade.
6. From the aforesaid discussion, it is found that there is specific overt act against Manjur and Rejaul by almost all the eye witnesses so far as the fatal blow on the head of the deceased is concerned. The injured witness as narrated supra has tried to robe inasmuch as persons as he can, in his statement.
7. So far as the present petitioner is concerned, there are contradictory statements with regard to his specific overt act. Such a fact is to be gone into by the trial court in the process of trial and the present petitioner, to our satisfaction, is on the same footing with the co-accused persons who have already been released on anticipatory bail in CRM(A) 2365 of 2023 and CRM(A) 2555 of 2023. The co-accused persons in the earlier anticipatory bail

application had been released on anticipatory bail on the sole ground on consideration that they are all ladies.

8. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence 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. No.967 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.

9. Accordingly, the prayer for the anticipatory bail is allowed.

10. 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.

11. The application being CRM(A) 4565 of 2023 is disposed of.

12. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

13. The department is directed to tag the copy of this order with CRM(A) 2365 of 2023 and CRM(A) 2555 of 2023.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)