

14.12.2023
ML. 65
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 4690 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **428** of **2023** dated **09.07.2023** under Sections **341/325/326/307/302/34** IPC (corresponding to G.R. Case No. 4310 of 2023).

And

In the matter of: **Motiur Rahaman & Ors.**

....petitioners.

Mr. Sujoy Sarkar
Mr. Musharaf Alam

...for the petitioners.

Mr. Prasun Kumar Datta, Ld. APP
Mr. Pradipta Ganguli

... for the State.

1. Heard learned Counsel for the parties.
2. The petitioners before us seek parity with the petitioner who has been enlarged on bail by us on 30.08.2023 in CRM (A) 3509 of 2023. Such prayer has been opposed by Mr. Datta, learned Additional Public Prosecutor.
3. Drawing our attention to the various statements as recorded under Section 164 Cr.P.C., it is submitted by Mr. Datta, learned Additional Public Prosecutor that the role of the present petitioners are found *prima facie* prominent from such statements.
4. On perusal of the entire materials as placed before us, we find no specific overt act as against the present petitioners in the alleged crime since from the materials as has been collected by the I.O. in course of investigation it reveals that one Kabir Sk. had stabbed the deceased with a knife from his backside which subsequently caused his death.

5. 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 Chief Judicial Magistrate, Malda, in G.R. Case No. 4310 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.
6. Accordingly, the prayer for anticipatory bail is allowed.
7. The application being **CRM (A) 4690 of 2023** is disposed of.
8. Learned Chief Judicial Magistrate, Malda, is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

