

19.12.2023
ML. 86
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 4757 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 Arms Act (corresponding to G.R. Case No. 1909 of 2023).

And

In the matter of: **Mershad Ali**

....petitioner.

Mr. Amal Kumar Banerjee

...for the petitioner.

Ms. Zareen N. Khan

Md. Kutubuddin

... for the State.

1. Heard learned Counsel for the parties.
2. In pre-panchayat election violence in group fight between two political parties, one person is alleged to have died and three other persons are alleged to have sustained some injuries.
3. From the statement of the witnesses recorded under Section 161 Cr.P.C., the presence of the petitioner at the spot during the transaction is found but there is no serious allegation of specific overt act against him to have caused the fatal injury.
4. Charge-sheet is stated to have been filed in the meantime. Other co-accused persons are stated to have been released on regular bail and anticipatory bail.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned 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 Cr.P.C. with a further condition, the present petitioner shall not leave the territorial jurisdiction of the learned trial Court without obtaining prior permission of the learned trial Court during investigation.

6. Accordingly, the prayer for anticipatory bail is allowed.
7. The application being **CRM (A) 4757 of 2023** is disposed of.
8. 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.)

(Ajay Kumar Gupta, J.)

