

19.10.2023

SL. 11

Court No. 29

Suvayan/

Sourav

C.R.M. (A) 4811 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chopra** Police Station Case No. **632 of 2023** dated **22.08.2023** under Sections **448/ 323/ 324/ 325/ 326/ 307/ 354/ 427/ 436/ 379/506/34** of the IPC read with Sections **25(1)(A)/27** of the Arms Act and Sections **3(i)(x)** of the SC & ST (Prevention of Atrocities) Act, 1989.

And

In the matter of: **Jahidul Rahaman**

....petitioner.

Mr. Shaharoyal Alam

...for the petitioner.

Mr. Swapan Banerjee

Mr. Suman De

...for the State.

1. Heard learned Counsel for the parties.
2. In the light of the order passed by us in Sudip Mondal & Ors.
Vs. The State of West Bengal & Anr. [CRM(A) 2859 of 2023]
disposed of today i.e. 19.10.2023, while not entertaining the prayer for anticipatory bail, the present petition is disposed of with the following observations –

The petitioner shall surrender before the learned Additional Sessions Judge cum learned Judge, Special Court, under SC & ST Act, Raiganj, Uttar Dinajpur within 15 (fifteen) days from the date of reopening of the court after Puja Vacation. Seven days before the petitioner surrender before the said Court the petitioner's counsel, shall serve a copy of the bail application or such number of copies of the bail application as instructed by learned Public Prosecutor/Special Public Prosecutor on the learned Public Prosecutor/Special Public Prosecutor for the

purpose of notice to the victim or his/her dependent.

3. Taking into consideration the nature of the offence as alleged against the petitioner, we direct that the petitioner shall be released on interim bail by the learned Additional Sessions Judge cum learned Judge, Special Court, under SC & ST Act, Raiganj, Uttar Dinajpur on the same day the petitioner surrender in the Special Case arising out of the aforesaid case on such terms and conditions as he deemed just and proper pending disposal of the bail application, on merit, at the time of final hearing of the case, including the following conditions:-

- (i) the petitioner shall appear in person before the I.O. once in a week on the day and time fixed by the said I.O. until further order by the learned Special Judge lifting, modifying or relaxing the condition

- (ii) the petitioner shall not threaten, induce or coerce any witness of this case or the victim or his/her dependent in any manner whatsoever; and

- (iii) the petitioner shall not involve themselves in similar or any other offence during currency of this order.

4. The aforesaid order shall not be effective, if the injuries sustained by the victim(s) are near fatal and the victim(s) are still in bad shape. But, if the injuries are otherwise lesser and the victim(s) are hale and hearty, this observation shall

not be effective and the petitioner can be granted interim bail.

5. It is made clear that if there is fracture injury but not on any vital part of the body and the injuries even on vital parts of the body is/are not near fatal, interim bail should be granted.
6. The application being **CRM (A) 4811 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

