

13.12.2023

SL. 23

Court No. 29

Sourav

(Partly

Allowed)

C.R.M. (A) 4915 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **402** of **2023** dated **12.07.2023** under Sections **448/325/326/307/354/34** IPC adding Section **302** IPC (corresponding to G.R. Case No. 2004 of 2023).

And

In the matter of: **Md. Saddam & Ors.**

....petitioners.

Mr. Robiul Islam
Mr. Raju Mondal
Mr. Masooq Rahman

...for the petitioners.

Mr. Madhusudan Sur, Ld. APP
Mr. Arabinda Manna

...for the State.

Mr. Kaustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. Some of the co-accused persons had already been released on anticipatory bail earlier to our order dated 16.10.2023. On careful scrutiny of the entire case diary, it is found that except petitioner nos. 1 and 2 (Md. Saddam and Md. Based Ali), all other petitioners in the aforesaid anticipatory bail application are similarly circumstanced with the co-accused persons already enlarged on anticipatory bail.
3. So far as petitioner nos. 1 and 2 (Md. Saddam and Md. Based Ali) are concerned, they are stated to be the assailants in the statement of the two injured witnesses namely, Hannan and Sadikul, recorded under Section 164 Cr.P.C.
4. Regard being had to such facts, we are not inclined to

exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner nos. 1 and 2 (Md. Saddam and Md. Based Ali).

5. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1 and 2 is rejected.

6. So far as petitioner nos. 3 to 5 (Makim, Saidur and Md. Mostafa) are concerned, regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioner nos. 3 to 5 shall be released on bail in the event of their arrest by the Arresting Officer in 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 nos. 3 to 5 are directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
- ii) The petitioner nos. 3 to 5 shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
- iii) The petitioner nos. 3 to 5 shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.

7. Within 21 days from today, petitioner nos. 3 to 5 are directed to appear before the I.O. along with a server copy or certified copy of this order.

8. Accordingly, the prayer for anticipatory bail is allowed in-part.
9. The application being **CRM (A) 4915 of 2023** is disposed of.
10. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

