

22.11.2023
Serial no.22
Court No.1
(CHC)
(Partly Allowed)

*Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side*

CRM (A) 888 of 2023

*In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Sitalkuchi** Police Station Case No. **242 of 2023** dated **16.08.2023** under Sections **341/323/326/307/34** of the Indian Penal Code and Sections **25/27** of Arms Act.*

-And-

In the matter of : **Faruk Hossain & anr.**
... .. Petitioners

Mr. Debajit Kundu, Advocate
... .. For the Petitioner

Mr. Tapan Bhattacharjee, Advocate
Mr. Dhiman Sil, Advocate
... ..For the *State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioners submits that family members of the petitioners were enlarged on anticipatory bail by the coordinate Bench on October 10, 2023 passed in C.R.M.(A) 843 of 2023.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary.

The victim in the police complaint, suffered gunshot injury. A bullet was recovered from the place of the incident. Fire arm is yet to be recovered.

There are statements of eye witnesses implicating the petitioner no.1 in using the fire arm and inflicting the gunshot injury upon the victim.

The coordinate Bench, allowed anticipatory bail to the two other family members of the first petitioner.

There is involvement of the first petitioner in the incident. He assaulted the victim and used the fire arm. The first petitioner cannot said to be standing on the same footing as that of other two co-accused who were granted anticipatory bail by the coordinate Bench in CRM(A) 843 of 2023 passed on October 10, 2023. However, the second petitioner is standing on the same footing as that of the other two co-accused who were enlarged on anticipatory bail by the coordinate Bench.

In such circumstances, prayer for anticipatory bail of the first petitioner, namely, Faruk Hossain is rejected. So far as the second petitioner, namely, Amir Hossain is concerned, we grant anticipatory bail on parity.

Accordingly, in the event of arrest, the petitioner no.2, namely, Amir Hossain may find bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of equal amount each to the satisfaction of the learned ACJM, Mathabhanga subject to the conditions that the petitioner no.2, namely Amir Hossain shall meet the Investigating Officer once in a month until further order of this Court. Petitioner no.2 will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM(A) 888 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

