

02.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1058 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 436 of 2023 dated 03.07.2023 under Sections 25(1-B)(a)/35 of the Arms Act pending before the learned Court of Chief Judicial Magistrate, Berhampore, Murshidabad.

And

In Re : Islam Sk @ Kata Sk @ Islam Sekh petitioner

Mr. Golam Nure Imrohi

.....for the petitioner

Ms. Sonali Das

Mr. Tapas Kumar Saha

....for the State

1. Petitioner contends no firearm was recovered from his possession. Investigation is complete. He prays for anticipatory bail.
2. Learned Lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Firearm was recovered from co-accused. Complicity of the petitioner transpires from the statement of the said co-accused before police which is inadmissible. Investigation is complete.
4. Keeping in mind the extent of complicity of the petitioner in the crime, we are inclined to grant anticipatory bail to him.

5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the Jurisdictional Court below and pray for regular bail within a period of four weeks from date.
6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)