

22.04.2024
Item No.351 and 353
Ct. No. 29
CHC

C.R.M.(A) 1273 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kashipur** Police Station Case No. **277** of **2023** dated **16.06.2023** under Sections **147/148/149/341/302/109/120B** of the Indian Penal Code read with Section 9B of the Explosives Act, 1884.
And

In the matter of : Sahin Kadir
..... petitioner

With

C.R.M.(A) 1281 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kashipur** Police Station Case No. **277** of **2023** dated **16.06.2023** under Sections **147/148/149/341/302/109/120B** of the Indian Penal Code read with Section 9B of the Explosives Act, 1884.
And

In the matter of : Iunuchh Molla & ors.
..... petitioners

Mr. Firdous Samim,
Ms. Gopa Biswas
....for the petitioner in CRM(A) 1273/24

Mrs. Zarin N. Khan,
Mr. Soumya Basu Roy Choudhuri
....for the State in CRM(A) 1273/24

Mr. Firdous Samim,
Ms. Gopa Biswas
....for the petitioner in CRM(A) 1281/24

Mrs. Anasuya Sinha, Ld. A.P.P.
Mr. Kaushik Chandra Gupta
....for the State in CRM(A) 1281/24

Two applications are taken up for analogous consideration as they emanate out of the same police case.

Petitioner, namely, Sahin Kadir in CRM(A) 1273 of 2024 was declared as proclaimed offender and in such circumstances, CRM(A) 1273 of 2024 is dismissed as not maintainable.

Same is the position so far as petitioner no.3, namely, Auliya Hak Molla in CRM(A) 1281 of 2024 and consequently, CRM(A) 1281 of 2024 is dismissed as not maintainable so far as petitioner no.3, namely, Auliya Hak Molla therein is concerned.

So far as the other two petitioners (petitioner no.1, namely, Iunuchh Molla and petitioner no.2, namely, Amir Ali Molla) therein are concerned, we find that, there are materials in the Case Diary implicating each of the petitioners (petitioner no.1, namely, Iunuchh Molla and petitioner no.2, namely, Amir Ali Molla) therein in the incident of death occurring due to gun shot injury.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no.1, namely, Iunuchh Molla and petitioner no.2, namely, Amir Ali Molla in CRM(A) 1281 of 2024.

This application for anticipatory bail in respect of petitioner no.1, namely, Iunuchh Molla and petitioner no.2, namely, Amir Ali Molla in CRM(A) 1281 of 2024 are, thus, rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)