

20.05.2024
Item No.18 & 28
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1665 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jalangi** Police Station Case No. **428** of **2023** dated **24.12.2023** under Sections **304/34** of the Indian Penal Code, pending before the Learned Chief Judicial Magistrate at Berhampore, Murshidabad.

And

In the matter of : Poritosh Biswas @ Paritosh Biswas & anr.
..... petitioners

with

C.R.M.(A) 1679 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jalangi** Police Station Case No. **428** of **2023** dated **24.12.2023** under Sections **304/34** of the Indian Penal Code, pending before the Learned Chief Judicial Magistrate at Berhampore, Murshidabad.

And

In the matter of : Sahjahan Biswas @ Sajahan Biswas & anr.
..... petitioners

Mr. Arnab Chatterjee,
Ms. Poulami Bose
....for the petitioners
in CRM(A) 1665/2024 and CRM(A) 1679/2024

Mr. Avishek Sinha,
Mr. Sayan Dev Kumar
....for the State in CRM(A) 1665/2024

Ms. Sreyashee Biswas,
Mr. Asif Dewan
....for the State in CRM(A) 1679 of 2024

Two applications for anticipatory bail are taken up analogously as they emanate out of the same police case.

Police filed charge-sheet *inter alia* under Section 304 of the Indian Penal Code, 1860.

Co-accused was enlarged on anticipatory bail by the order dated April 30, 2024 passed in CRM(A) 1530 of 2024.

Requirement of placing the petitioners in custody at this stage, is not felt.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioner no.1, namely, Poritosh Biswas @ Paritosh Biswas and petitioner no.2, namely, Md. Motahar Hossain @ Hannan @ Motahar Sk in CRM(A) 1665 of 2024 and petitioner no.1, namely, Sahjahan Biswas @ Sajahan Biswas and petitioner no.2, namely, Tinku Sk in CRM(A) 1679 of 2024 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, 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 the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail in respect of the petitioner no.1, namely, Poritosh Biswas @ Paritosh Biswas and petitioner no.2, namely, Md. Motahar Hossain @ Hannan @ Motahar Sk in CRM(A) 1665 of 2024 and petitioner no.1, namely, Sahjahan Biswas @ Sajahan Biswas and petitioner no.2, namely, Tinku Sk in CRM(A) 1679 of 2024 is, thus, allowed.

CRM(A) 1665 of 2024 and CRM(A) 1679 of 2024 are disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)