

20.05.2024
Item No.34
Ct. No. 29
CHC
Partly Allowed

C.R.M.(A) 1685 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Islampur** Police Station Case No. **271** of **2023** dated **09.07.2023** under Sections **341/325/326/307/34** of the Indian Penal Code, 1860; pending before the Learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

And

In the matter of : Golam Ali Sk @ Golam Ali & ors.
..... petitioners

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. June Modak
....for the petitioners

Mr. Koushik Kundu,
Mr. Atanu Ghosh
....for the State

Petitioners pray for anticipatory bail.

Injured names the petitioner no.1 as the person who inflicted deep cut injury on the forehead.

Police filed charge-sheet.

Petitioners also rely upon the order dated April 19, 2024, passed in CRM(A) 1354 of 2024 granting anticipatory bail to the other co-accused.

In CRM(A) 1354 of 2024, the petitioners therein were not named as assailants by the victim. Here, the petitioner no.1 is named as such.

Filing of charge-sheet per se does not entitle the petitioner no.1 to an order for anticipatory bail.

In such circumstances, considering the gravity of the offence and the involvement of the petitioner no.1, namely, Golam Ali Sk @ Golam Ali we are unable to grant anticipatory bail to him

So far as other petitioners are concerned, since they are not named by the victim we grant them anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, Bappi Hoque @ Bishal Babu and petitioner no.3, namely, Sainul Sk @ Islam 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 petitioner no.2, namely, Bappi Hoque @ Bishal Babu and petitioner no.3, namely, Sainul Sk @ Islam 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 petitioner no.2, namely, Bappi Hoque @ Bishal Babu and petitioner no.3, namely, Sainul Sk @ Islam in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 1685 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)