

10.06.2024
Court No.29
Item No. 7

Partly Allowed

sg

CRM (A) 1841 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Suti Police Station Case No. 260 of 2024 dated 15.04.2024 under Sections 341/326/307/34 of the Indian Penal Code.

And

In Re: **Obaidul Sk. @ Obaidur Sk. & Ors.**

Petitioners

Mr. Jisan Iqubal Hossain

For the Petitioners

Mr. Bitasok Banerjee

Mrs. Paramita Sahu

For the State

1. The learned Counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the instant case.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the case dairy, the statement of the victim and the medical examination report.
3. Considering the materials available in the case diary and the specific statement of the petitioners with regard to involvement of the petitioner no.1 and having regard to the nature of injury sustained by the de-facto complainant, we are not inclined to grant anticipatory bail to the petitioner no.1. However, having regard to the nature of involvement of the other accused which can only be assessed at the time of trial, the prayer for anticipatory bail of the petitioner nos. 2 to 7 namely, Afridi Sk. @ Afradi Sk.,

Badrul Sk. @ Badru @ Badirul, Zilfikar Sk. @ Julfikar Sk., Ujir Sk., Ruhul Amin @ Rul Sk. and Asfak Khan @ Md. Ali Aspak Kah allowed.

4. Accordingly, we direct that in the event of arrest the petitioner nos. 2 to 7 namely, **Afridi Sk. @ Afradi Sk., Badrul Sk. @ Badru @ Badirul, Zilfikar Sk. @ Julfikar Sk., Ujir Sk., Ruhul Amin @ Rul Sk. and Asfak Khan @ Md. Ali Aspak Kah** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure to the satisfaction of arresting officer. The petitioner nos. 2 to 7 namely, Afridi Sk. @ Afradi Sk., Badrul Sk. @ Badru @ Badirul, Zilfikar Sk. @ Julfikar Sk., Ujir Sk., Ruhul Amin @ Rul Sk. and Asfak Khan @ Md. Ali Aspak Kah shall meet the IO once in a week till the charge-sheet is filed and shall appear before the learned trial court within two weeks from date and shall not leave the jurisdiction of District Murshidabad without the express leave of the jurisdictional court.
5. Accordingly, the prayer for anticipatory bail of the petitioners, namely, Afridi Sk. @ Afradi Sk., Badrul Sk. @ Badru @ Badirul, Zilfikar Sk. @ Julfikar Sk., Ujir Sk., Ruhul Amin @ Rul Sk. and Asfak Khan @ Md. Ali Aspak Kah are allowed and the application for anticipatory bail of the petitioner no.1 is rejected.
6. CRM (A) 1841 of 2024 is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)

