

10.06.2024
Court No.29
Item No. 1

Partly Allowed

sg

CRM (A) 1869 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Manikchak Police Station Case No. 297 of 2024 dated 22.04.2024 under Sections 341/323/325/326/307/34 of the Indian Penal Code.

And

In Re: **Md Ajmal Hossain & Ors.**

Petitioners

Mr. Arup Kumar Bhowmick

For the Petitioners

Mr. Tanmay Kumar Ghosh
Mr. Arup Sarkar

For the State

Mr. Sujay Bandyopadhyay
Mr. Jagajyoti Das
Mr. Pradipta Siddhanta
Mr. Subham Saha

For the de-facto complainant

1. The learned Counsel for the petitioners has submitted that the petitioners are innocent and 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 statement of independent witness recorded under section 161 of the Code of Criminal Procedure and the injury report.
3. The learned Counsel for the de-facto complainant has opposed the prayer for anticipatory bail on the ground that the injury is severe in nature.
4. Considering the materials available in the case diary and the statement of the witness directly implicating Ajmal Hossain and also the injury report, we are

of the view that the prayer for anticipatory bail can be granted in favour of the petitioner nos. 2 and 3 and we are not inclined to grant anticipatory bail to the petitioner no.1.

5. Accordingly, we direct that in the event of arrest the petitioner nos. 2 and 3, namely, **Md Juyel Hossain and Md Soyel Hossain**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, to the satisfaction of arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner nos. 2 and 3 shall meet the I.O. as and when required till the submission of final report and shall appear before the learned Trial Court within two weeks from date, failing which, it would be open for the learned Trial Court to cancel the bail without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner nos. 2 and 3 is allowed and the prayer for anticipatory bail of the petitioner no.1 is rejected.
7. CRM (A) 1869 of 2024 is, thus, disposed of.
8. 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.)