

20.06.2024
Court No.29
Item No. 17

Allowed

sg

CRM (A) 1905 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 264 of 2023 dated 26.04.2023 under Sections 448/341/323/324/307/506/34 of the Indian Penal Code, pending before the Court of learned Sessions Judge, Malda.

And

In Re: **Montu Sk @ Khairul Islam & Ors.**

Petitioners

Mr. Santanu Deb Roy
Mr. D. Guha

For the Petitioners

Mr. Koushik Kundu
Miss. Kanchan Ray

For the State

1. The learned Counsel for the petitioners submits that due to political rivalry, a free fight took place amongst the party members of the rival camp resulting in injury. The petitioners have also lodged a complaint with the Officer-in-Charge of the concerned Police Station prior to the complaint lodged by the de-facto complainant.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the statement of the injured and the injury report.
3. Considering the materials available in the case diary and that a free fight took place on the date of the alleged incident amongst the party members of two political parties and the fact that the charge-sheet has already been filed, we are of the view that custodial interrogation of the present petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioners namely, **(i) Montu Sk @ Khairul Islam, (ii) Enjamul Hoque, (iii) Ataul Hoque @ Ataur Sk, (iv) Ansur Sk @ Ansur Rahaman, (v) Jakir Hossain @ Jakir Sk, (vi) Habib Sk @ Habib Hossain, (vii) Ruhul Sk @ Ruhul Amin, (viii) Firoj Sk @ Ali, (ix) Ajijur Sk @ Ajijur Hoque @ Aijul Hq, and (x) Tajiuddin Sk @ Taijuddin Ahmed,** 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, 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 petitioners shall appear before the learned Trial Court within two weeks from date and thereafter shall appear on each and every date as and when required, failing which, it would be open for the learned Trial Court to cancel the bail without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
6. CRM (A) 1905 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.)