

12.06.2024

Court No.29

Item No. 378

Allowed

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CRM (A) 1900 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dholahat Police Station Case No. 604 of 2023 dated 16.12.2023 corresponding to G.R. Case No. 2823 of 2023 under Sections 447/325/326/307/354/506/34 of the Indian Penal Code.

And

In Re: **Jahurul Laskar @ Jourul Lakar & Anr.**

Petitioners

Mr. Partha Sarathi Mondal

For the Petitioners

Mr. Bibaswan Bhattacharya

Mr. Atulya Sinha

For the State

1. Learned counsel for the petitioners submits that a co-accused similarly placed as that of the petitioners has been granted anticipatory bail by a coordinate bench in CRM (A) 1657 of 2024 on 20.5.2024 and having regard to the fact that the petitioners are standing on the same footing, the prayer for anticipatory bail of the petitioners may be allowed.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the role of the present petitioners in the commission of the alleged offence.
3. In an incident of assault, the injured suffered laticited wound and the nature of involvement of all the petitioners appears to be same and the injuries were not apparently found to be grievous.
4. Considering the materials available in the case diary, the nature of involvement of the petitioners in the commission of alleged offence, the nature of injury and having regard to the fact that a co-accused granted

anticipatory bail and moreover, the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioners are not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners **Jahurul Laskar @ Jourul Lakar** and **Abdur Rahim** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report 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.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same 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)

