

27.06.2024
SL No.17
Court No.29
TN
(Allowed)

CRM (A) 1989 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kulti Police Station Case No.158 of 2024 dated 07.04.2024 under Sections 447/341/323/325/379/506/34 of the Indian Penal Code.

And

In the matter of : **Md Shamim @ Golden @ Md Shamim Akhtar.**
- petitioner.

Mr. Md. Nauraz Rahber,
Mr. Mohammade Jowwad,
Shefa Mondal

....for the petitioner.

Mr. Subrata Roy,
Mr. Parvej Anam

... for the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated over a land dispute with the *de facto* complainant.
2. The learned Counsel for the State in opposing the prayer has referred to the statement of the neighbours recorded under Section 161 of the Code of Criminal Procedure and the injury report.
3. Considering the materials available in the case diary, the nature and extent of involvement of the petitioner in the commission of the alleged offence and the medical report and having regard to the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Md Shamim @ Golden @ Md Shamim Akhtar** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Asansol in connection with Kulti Police Station Case No. 158 of 2024 within two weeks from date and pray for regular bail.
5. It is further directed that the petitioner shall appear each and every date of hearing 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 presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this court.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)