

25.06.2024

Court No.29

Item No. 52

Allowed

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CRM (A) 1967 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 102 of 2024 dated 11.03.2024 corresponding to G.R Case No. 657 of 2024 under Sections 302/201/120B of the Indian Penal Code.

And

In Re: **Sk. Jiabul Haque @ Sk. Jiyarul Haque**
Petitioner

Mr. Amit Ranjan Pati\
Ms. Swastika Chowdhury

For the Petitioner

Mr. Subhamoy Bhattacharya
Mr. Rajashree Tan

For the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the neighbours recorded under Section 161 Cr.P.C and submits that some of the witnesses have also named the present petitioner. It is, however, submitted that Sk. Ansarul Haque is presently in custody and his wife and the present petitioner are absconding.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the fact that the allegation against the petitioner appears to be omnibus and needles of suspension towards Sk. Ansarul Haque and his wife, 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, **Sk. Jiabul Haque @ Sk. Jiyarul Haque** 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, 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 petitioner shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and shall not leave the jurisdiction of district Paschim Medinipur without the permission of the learned Chief Judicial Magistrate, Paschim Medinipur till the submission of the final report. The petitioner shall also appear before the learned Chief Judicial Magistrate, Paschim Medinipur in connection with G.R Case No. 657 of 2024 within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. 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)

