

28.06.2024  
Court No.29  
Item No. 20

Allowed

sg

### CRM (A) 2002 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 425 of 2024 dated 06.04.2024 under Sections 323/325/326/341/363/500/506/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate at Malda.

And

In Re: **Md Samayun Hoque @ Milton Miya & Ors.**

Petitioners

Md. Wasim Akram

For the Petitioners

Mr. Kunal Ganguly

For the State

1. The learned Counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the instant case. It is submitted that the co-accused persons similarly placed as that of the present petitioners have been released on anticipatory bail by a coordinate Bench on 22<sup>nd</sup> May, 2024 in CRM(A) 1788 of 2024 (Md. Eklemur Hoque @ Akramul Hoque & Anr.).
2. Claim on parity with the other co-accused enlarged on anticipatory bail by the aforesaid order is not being disputed by the State. Accordingly, we are of the view that custodial interrogation of the present petitioners is not necessary.
3. Accordingly, we direct that in the event of arrest the petitioners namely, **Md Samayun Hoque @ Milton Miya, Md Abdur Rajjak, Moklesur Rahaman @ Akleshur Rahaman and Badrul Zamal @ Badol Sk**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like

amount each, to the satisfaction of Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further 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.

4. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
5. CRM (A) 2002 of 2024 is, thus, 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.)**