

28.06.2024
SL No.23
Court No.29
(gc)
(Rejected)

CRM (A) 2005 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Bagdah Police Station Case No.32 of 2023 dated 07.01.2023 under Sections 143/186/188/332/333/353/307/427/506 of the Indian Penal Code.

And

In the matter of : **Mijanur Mandal**

- Petitioner.

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoun,
Ms. June Modak

....For the Petitioner.

Mr. Suman De,
Mr. Samarjit Balial

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to an order being CRM (A) 1111 of 2023 in the matter of Najima Mondal & Ors. dated 17th March, 2023 in which the present petitioner has featured as petitioner No.5.
3. It appears from record that twenty petitioners have applied for anticipatory bail before the Coordinate Bench in CRM (A) 1111 of 2023. The prayer for anticipatory bail was rejected. The said order is reproduced below:-

"Petitioners pray for anticipatory bail.

All the petitioners apparently ganged up to assault.

Border Security Force personnel discharging their duties trying to arrest persons involved in narcotics.

Border Security Force personnel suffered injuries from the assault in which the petitioners were involved.

The materials in the case diary emphasize the complicity of each of the petitioners in the incident.

Considering the gravity of the offence and the involvement of the petitioners in the incident, we are unable to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 1111 of 2023 is dismissed.”

4. This order has been suppressed in the present petition.
5. The learned Counsel for the petitioner submits that he has obtained instruction from the conducting Advocate of the learned Trial Court and he was informed that the present petitioner is not aware of any of such order being passed in earlier proceeding.
6. In view of the fact that the present petitioner stands on the same footing as Najima Mondal, the petitioner is not entitled to anticipatory bail in view of the earlier order of rejection dated 17th March, 2023.
7. Accordingly, the application for anticipatory bail is rejected.
8. 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.)