

04.07.2024
Court No.29
Item No. 6

Allowed

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CRM (A) 2084 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Usthi Police Station Case No. 434 of 2018 dated 17.10.2018 under Sections 302/34 of the Indian Penal Code, pending before the learned Court of Additional Sessions Judge, 1st Court, Fast Track, Diamond Harbour, South 24 Parganas.

And

In Re: **Sabir Hossain Laskar @ Sabir Laskar**
Petitioner

Mr. Niladri SEkhar Ghosh
Mr. Debarshi Brahma
Ms. Sompurna Chatterjee
Mr. Sourav Mondal
Ms. Labani Sikdar

For the Petitioner

Ms. Anasuya Sinha
Ms. Suchismita Dutta

For the State

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta

For the de-facto complainant

1. The learned Counsel for the petitioner submits that the petitioner is innocent and his name is transpiring from the evidence of PW-5. It is further submitted that the name of the petitioner has not been uttered by the deceased in her dying declaration.
2. The learned Counsel for the State and the de-facto complainant oppose the prayer for the anticipatory bail. It is submitted that in the statement recorded under Section 164 of the Cr.P.C., the deceased has mentioned the name of the petitioner.

3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and also having regard to the fact that the dying declaration does not directly and specifically implicate the petitioner in the commission of the alleged offence and in view of the fact that the charge sheet has already been filed in the meantime and trial has commenced, we are of the view that custodial interrogation of the present petitioner is not necessary and we allow the application for anticipatory bail but on stringent conditions.
4. Accordingly, we direct that in the event of arrest the petitioner namely, **Sabir Hossain Laskar @ Sabir Laskar**, shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Court of Additional Sessions Judge, 1st Court, Fast Track, Diamond Harbour, South 24 Parganas, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that they shall appear before the trial court within one week from date and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner shall not enter the jurisdiction of Usthi Police Station without the permission of the learned Trial Court save and except for attending the court and shall provide the details of the place where the petitioner shall presently reside with the Officer-in-Charge of both the Police Stations.
5. We have been informed that the next date is fixed on 25th July, 2024. The petitioner must appear on that date and thereafter shall appear on each and every date of hearing until further orders.

6. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. CRM (A) 2084 of 2024 is, thus, disposed of.
9. 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.)