

29.07.2024  
Court No.29  
Item No. 4

Allowed

sg

CRM (A) 2147 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Goalpokher Police Station Case No. 12 of 2024 dated 11.01.2024 under Sections 120B/302/506 of the Indian Penal Code, now pending before the learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur.

And

In Re: **Md. Danish Alam & Anr.**

Petitioners

Mr. Niladri Sekhar Ghosh  
Mr. M. Nazar Chaudhury  
Ms. Somparna Chatterjee

For the Petitioner

Mr. Madhusudan Sur, APP  
Mr. Shiladitya Banerjee

For the State

Md. Nauroz Rahber  
Mr. Muhammad Jawwad

For the de-facto complainant

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case. It has been submitted that Hakim, on whose statement reliance has been placed, is an accused, amongst others, in relation to the commission of offence of murder to the father of the petitioners.
2. The learned Counsel for the State has produced the statement of the wife of the deceased in the counter-case and also the statement of Hakim recorded under Section 164 of the Code of Criminal Procedure in relation to the counter case.

3. The learned Counsel for the de-facto complainant has submitted that the petitioners are the influential persons and they have committed the offence along with others.
4. Considering the materials available in the case diary and that the present petitioners had lodged a complaint prior in time against Hakim and others for committing offence of murder of their father and that the wife of the deceased in the present Police Station Case 12 of 2024, has not specifically mentioned the petitioners and on the contrary, the name of Hakim along with others has been specifically mentioned by her and the chance of false implication of the petitioners in the present case could not be ruled out, moreover charge sheet has already been filed and in view of the fact that Hakim is in bail in respect of the counter case of the petitioners, we are of the view that custodial interrogation of the present petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioners namely, **Md. Danish Alam and Daud Alam @ Rahul** shall be released on bail upon furnishing a bond of Rs.10,000/ each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and subject to further condition that the petitioners shall appear before learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur in connection with G.R. Case 104 of 2024 on each and every date of hearing until further orders and the petitioners shall not intimidate the witness and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his 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) 2147 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.)**