

**18.07.2024**

Court No.29

Item No. 05

**Allowed**

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## **CRM (A) 2316 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 2089 of 2023 dated 18.12.2023 corresponding to G.R. Case No. 8549 of 2023 under Sections 489B/489C/120B of the Indian Penal Code.

And

In Re: **Samim Sk**

Petitioner

Md. Wasim Akram

For the Petitioner

Mr. Imran Ali

Mr. Rajesh Jana

For the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case on the basis of statement of the co-accused.
2. Learned counsel for the State has referred to the statement of one of the co-accused persons implicating the petitioner and charge-sheet has already been filed.
3. Considering the materials available in the case diary, the name of the petitioner has transpired from the statement of the co-accused and the fact that the charge-sheet has already been filed, 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, **Samim Sk** 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 and on further condition that the petitioner shall appear before the learned Chief Judicial Magistrate, Malda corresponding to G.R. Case No. 8549 of 2023 within two weeks from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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)**