

18.07.2024

Court No.29

Item No. 07

**Partly
Allowed**

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CRM (A) 2378 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 732 of 2023 dated 20.10.2023 corresponding to G.R Case No. 7262 of 2023 under Sections 447/341/323/324/326/307/34 of the Indian Penal Code.

And

In Re: **Zabdul Sekh @ Jabdul Mia & Ors.**

Petitioners

Mr. Avinaba Patra

For the Petitioners

Mr. Saibal Bapuli, Ld. APP

Ms. Payel Ghosh

For the State

1. Heard the learned counsel for the parties.
2. We have perused the case diary.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner nos. 2 and 3 in the commission of the alleged offence and considering the statement of the injured directly implicating the petitioner nos. 2 and 3 and also considering the injury suffered which are grievous in nature, we are of the view that custodial interrogation of the **petitioner no. 2, Manirul @ Manirul Islam and the petitioner no. 3, Tuka Ali @ Tuka Sk @ Taka Mia** is necessary. However, considering the nature of involvement of the petitioner no. 1 in the commission of the alleged offence and having regard to the fact that charge-sheet has already been filed, we are of the view that the custodial interrogation of the **petitioner no. 1, Zabdul Sekh @ Jabdul Mia** is not necessary.

4. Accordingly, we direct that in the event of arrest, the **petitioner no. 1, Zabdul Sekh @ Jabdul Mia** 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 no. 1** shall appear before the learned Chief Judicial Magistrate, Malda, corresponding to G.R Case No. 7262 of 2023 within two weeks from date and the **petitioner no. 1** shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the **petitioner no. 1** 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 no. 1** is allowed, however, the prayer for anticipatory bail of the **petitioner nos. 2 and 3** stands rejected and the application 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)

