

**24.07.2024**

Court No.29

Item No.41

**Allowed**

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### **CRM (A) 2476 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 18 of 2024 dated 14.01.2024 corresponding to G.R Case No. 140 of 2024 under Sections 427/386/34/120B of the Indian Penal Code,1860 read with Sections 25/27 of the Arms Act.

And

In Re: **Sk. Najir Ali @ Sk. Nazir Ali @ Sk. Najer Ali**

Petitioner

Mr. Sandipan Ganguly, Sr. Adv

Mr. Amit Ranjan Pati

Md. Jawwad

Ms. Swartika Chowdhury

For the Petitioner

Mr. Md. Adil Badr, Jr. Govt. Adv

Mr. Ronit Mukherjee

For the State

1. Learned counsel for the petitioner submits that the petitioner stands on the same footing as that of Sk. Parvez Kipria @ Sk Parvez Kibria, whose prayer for anticipatory bail was allowed on 11<sup>th</sup> July, 2024 in CRM (A) 2109 of 2024.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has submitted that the petitioner was seen by the witnesses to carry the arms and is standing on the same footing as that of Sk. Parvez Kipria @ Sk Parvez Kibria, who was released on anticipatory bail.
3. It appears from the case diary that few of the F.I.R named accused persons, excepting the present petitioner, were either enlarged on anticipatory bail or bail. The case diary does not show that any raid was

conducted at the premises of the present petitioner, wherefrom any arm was recovered.

4. Considering the materials available in the case diary and having regard to the fact that few of the F.I.R named accused persons were either enlarged on anticipatory bail or bail and moreover, the victims have been rehabilitated, we are of the view that the custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sk. Najir Ali @ Sk. Nazir Ali @ Sk. Najer Ali** be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, 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. The petitioner shall meet the Investigating Officer twice in a week till the submission of the final report and shall not leave the jurisdiction of Kotwali Police Station without the permission of the Investigating Officer till the submission of the final report and on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Paschim Medinipur within two weeks from date. 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.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.

7. 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)**