

24.07.2024

Court No.29

Item No. 49

**Partly
Allowed**

ar

CRM (A) 2484 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 1008 of 2023 dated 29.12.2023 corresponding to G.R Case No. 8820 of 2023 under Sections 341/323/326/34 of the Indian Penal Code.

And

In Re: **Yeasin Sk. & Ors.**

Petitioners

Mr. Bibaswan Bhattacharya
Mr. Tapan Kumar Mahapatra

For the Petitioners

Ms. Rajnandini Das

For the State

1. Learned counsel for the petitioner submits that the dispute is between co-relatives in relation to the management of a Darga. It is submitted that case and counter case have been filed by the parties.
2. Learned counsel for the State has produced the case diary and the statement of the injured as well as the past record of the petitioners to show that the petitioner nos. 1,2,3,4,6 and 7 have criminal antecedent.
3. Considering the materials available in the case diary, the nature of involvement of the petitioner nos. 1,2,3,4,6 and 7 in the commission of the alleged offence, as transpired from the statement of the victim and the petitioner nos. 1,2,3,4,6 and 7 have criminal antecedent, we are not inclined to grant anticipatory bail to the **petitioner no. 1, Yeasin Sk, the petitioner no. 2, Raja Sekh alias Estaker Ali, the petitioner no. 3, Sahajan Sk, the petitioner no. 4, Mirajul Sk., the petitioner no. 6, Sonu Sekh and the petitioner no. 7, Rubel Sk.** However, considering the

nature and extent of complicity of the petitioner no. 5 in the commission of the alleged offence, we are of the view that custodial interrogation of the **petitioner no. 5, Rajesh Sk.** is not necessary.

4. Accordingly, we direct that in the event of arrest, the **petitioner no. 5, Rajesh 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. The **petitioner no. 5** shall meet the Investigating Officer once in a week till the submission of the final report and on further condition that the **petitioner no. 5** shall appear before the learned Chief Judicial Magistrate, Malda 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.
5. Accordingly, the prayer for anticipatory bail of the **petitioner no. 5** is allowed, however, the prayer for anticipatory bail of the **petitioner nos. 1, 2, 3, 4, 6 and 7** stand 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)

