

Court No. 29
(266041)

CRM (A) 2594 of 2024

14.08.2024

(AD 29)

(S. Banerjee)

(Partly Allowed)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Manikchak Police Station Case No. 406 of 2024 dated 09.06.2024 under Sections 341/325/326/302/307/120B of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Malda.

And

In the matter of: **Md. Nasiruddin & Ors.**

...petitioners

Mr. S. Deb Roy
Mr. D. Guha

... for the petitioners

Mr. Saryati Dutta
Mr. Tirupati Mukherjee

... for the State

1. Heard counsel for the parties.
2. The report filed by the State is taken on record. On verification of the same it appears that the petitioner no. 1 was not admitted to any hospital on the particular date as alleged by the petitioners on the previous occasion.
3. Considering the materials available in the case diary and having regard to the statement of the witnesses recorded under Sections 161 and 164 Cr.P.C. which does not ascribe any specific role of the petitioner nos. 2 and 3 in the commission of the alleged offence, we are of the view that custodial interrogation of the aforesaid two petitioners, being petitioner nos. 2 and 3, is not necessary. However, having regard to the overwhelming materials regarding

participation of the petitioner no. 1, as revealed from the statement recorded under Sections 161 and 164 Cr.P.C., we are not inclined to grant anticipatory bail to the petitioner no. 1.

4. Accordingly, we direct that in the event of arrest, the petitioner no. 2 (Seikh Israil @ Israil) and petitioner no. 3 (Estab Ali) shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
5. The petitioners shall cooperate with investigation and meet the investigating officer once in a week till filing of the final report and shall appear before the jurisdictional court within two weeks.
6. Accordingly, the application for anticipatory bail in respect of petitioner nos. 2 and 3 is allowed and the anticipatory bail in respect of petitioner no. 1 stands rejected
7. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)