

02.08.2024
Court No.29
Item No. 35

Allowed

sg

CRM (A) 2619 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Ratua Police Station Case No. 402 of 2023 dated 12.07.2023 under Sections 448/325/326/307/354/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Chanchal, Malda.

And

In Re: **Enamul Hoque**

Petitioner

Mr. Robiul Islam
Mr. Raju Mondal
Ms. Masooq Rahman

For the Petitioner

Mr. Debasish Roy, Ld. PP
Mr. Arijit Ganguly
Mr. Koushik Kundu

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated due to political rivalry. It is further submitted that the co-accused person similarly placed as that of the petitioner has been granted anticipatory bail by the coordinate Benches.
2. We have considered the materials placed before us including the statement of the two injured witnesses recorded under Section 164 of the Code of Criminal Procedure wherefrom we find that the said two injured witnesses have been charged about the presence of the present petitioner in the fight between the two political groups during Panchayat Election. However, from the statement recorded under Section 161 of the Cr.P.C. it appears that the petitioner was present but no specific overt act has been attributed to the petitioner. Record

would also reveal that some of the co-accused persons similarly placed as that of the present petitioner has been enlarged on anticipatory bail.

3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in G.R. No.2004 of 2023 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:

- i) The petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
- ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
- iii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. Within two days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
6. The application being CRM(A) 2619 of 2023 is disposed of.
7. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Soumen Sen, J.)

(Uday Kumar, J.)