

06.08.2024

Court No.29

Item No. 49

Partly
Allowed

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CRM (A) 2669 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Saktipur Police Station Case No. 87 of 2024 dated 29.03.2024 corresponding to G.R Case No. 1543 of 2024 under Sections 341/324/325/307/302/34 of the Indian Penal Code.

And

In Re: **Anisur Rahaman @ Anisur Sk & Ors.**

Petitioners

Md. Abdur Rakib
Mr. Somnath Majumdar
Mr. Mujahid Mehedi

For the Petitioners

Ms. Rituparna De Ghose
Mr. Asraf Mandal

For the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated due to dispute over landed properties.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has produced the case diary and referred to the statement of one Sujon Sk, one of the victims, recorded under Section 164 Cr.P.C.
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 having regard to the fact that due to assault by the petitioner nos. 2 and 3 Safikul Sk has died, we are not inclined to grant anticipatory bail to the **petitioner nos. 2 and 3**. However, having regard to 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 custodial interrogation of the **petitioner no. 1, Anisur Rahaman @ Anisur Sk** is not necessary.

4. Accordingly, we direct that in the event of arrest, the **petitioner no. 1, Anisur Rahaman @ Anisur 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 and on further condition that the **petitioner no. 1** shall appear before the learned Chief Judicial Magistrate, Murshidabad at Berhampore corresponding to G.R Case No. 1543 of 2024 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** 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)

