

06.08.2024

Court No.29

Item No. 51

**Partly
Allowed**

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CRM (A) 2671 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 Serampore Police Station Case No. 332 of 2024 dated 08.06.2024 corresponding to G.R Case No. 1845 of 2024 under Sections 341/323/324/379/307/354/376/51/1506/34 of the Indian Penal Code.

And

In Re: **Abdul Quraishi @ Md. Kuddus Quraishi & Anr.**

Petitioners

Md. Bani Israil

For the Petitioners

Ms. Eshita Dutta

For the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and the co-accused persons similarly placed as that of the petitioners granted anticipatory bail by the Court of Sessions Judge, Hooghly.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim recorded under Section 164 Cr.P.C and also referred to the report of S.I indicating pendency of criminal cases against the petitioner no. 1.
3. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner no. 1 in the commission of the alleged offence, as transpired from the statement of the victim and having regard to the fact that the petitioner no. 1 has criminal antecedent, we are not inclined to grant anticipatory bail to **the petitioner no. 1**. However, no over act has been attributed to the petitioner no. 2 by the victim, we are

of the view that custodial interrogation of the **petitioner no. 2** is not necessary.

4. Accordingly, we direct that in the event of arrest, the **petitioner no. 2, Kasim Quraishi @ Md. Kasim Quraishi** 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. 2** shall meet the I.O once in a week till the submission of the final report and on further condition that the **petitioner no. 2** shall appear before the learned Additional Chief Judicial Magistrate, Serampore, corresponding to G.R Case No. 1845 of 2024 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. 2** is allowed, however, the prayer for anticipatory bail of the **petitioner no. 1** stands 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)

