

06.08.2024
Court No.29
Item No. 65

Partly Allowed

sg

CRM (A) 2685 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 Murshidabad Police Station Case No. 249 of 2022 dated 07.05.2022 under Sections 448/341/325/326/307/427/3434 of the Indian Penal Code and sections 25(i)(a)/27 of Arms Act, pending before the learned Chief Judicial Magistrate, at Lalbagh, Murshidabad.

And

In Re: **Mainul Sk @ Mairul Sk @ Sairul Sk & Ors.**
Petitioners

Mr. Tapodip Gupta
Mr. Suman Bhanja

For the Petitioners

Mr. Ranabir Roy Chowdhury
Mr. Sharequl Haque

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the statement of the injured, seizure list, medical examination report and the report of the arms expert. It is further submitted that Yarul was arrested and thereafter he was enlarged on bail.
3. Considering the materials available in the case diary and the nature and extent of complicity of the petitioners in the commission of alleged offence as transpires from the case diary, we are not inclined to grant anticipatory bail to the petitioner nos. 4, 5 and 6 as the injured has specifically implicated the said

petitioners. . However, we are of the view that custodial interrogation of the petitioner nos. 1, 2, 3, 7 and 8, is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner nos. 1, 2, 3, 7 and 8 namely, **Mainul Sk @ Mairul Sk @ Sairul Sk., Audul Sk @ Abdul Oyadul Sk., Minarul Sk., Rahu Sk @ Raihan Sk @ Rahul Sk. and Asif Ikbal @ Asif Iqbal**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, at Lalbagh, Murshidabad. The petitioner nos. 1, 2, 3, 7 and 8 shall appear before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner nos. 4, 5 and 6 is rejected. The prayer for anticipatory bail of the petitioner nos.1, 2, 3, 7 and 8 is allowed.
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.)