

12.08.2024
SL No.48
Court No.29
(gc)
(Allowed)

CRM (A) 2761 of 2024

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, 2023 in connection with Murarai Police Station Case No.56 of 2024 dated 17.03.2024 under Sections 399/402 of the Indian Penal Code.

And

In the matter of : **Fakirul Sekh @ Fagrul Sekh**

- Petitioner.

Mr. Mahaboob Ahmed

....For the Petitioner.

Mr. Subhamay Bhattacharya,

Mr. Ranit Mukherjee

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is a driver by profession and at the relevant time he was driving a truck. The particulars of the truck and the location have been disclosed in paragraph 4 of the petition. It is further submitted that the petitioner is implicating on the basis of the statement of two co-accused persons.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that the petitioner along with others had assembled and were preparing for committing a dacoity and the police on the basis of source information arrived at the spot when the persons present noticing the police force fled away from the place of occurrence. However, two persons could be arrested who had disclosed the name of the present petitioner.
3. Considering the materials available in the case diary, the nature and extent of involvement of the petitioner in the commission of

the alleged offence and there are no other incriminating materials, save and except the name of the petitioner has been mentioned by the two co-accused, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Fakirul Sekh @ Fagrul Sekh**, 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, to the satisfaction of the arresting officer and also 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 BNSS, 2023.
5. It is directed that the petitioner shall meet the I.O. once in a fortnight till the submission of the final report.
6. It is further directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum in connection with G.R. Case No.383 of 2024 within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)