

16.08.2024
SL No.52
Court No.29
(gc)
(Allowed)

CRM (A) 2841 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 filed in connection with Beldanga Police Station Case No.759 of 2022 dated 07.12.2022 under Sections 325/326/302/34 of the Indian Penal Code.

And

In the matter of : **Israfil Sk. @ Md. Israfil**

- Petitioner.

Ms. Minoti Gomes

....For the Petitioner.

Mr. Saryati Dutta,

Ms. Sreetama Das

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner has been falsely implicated and other co-accused persons similarly placed have been granted anticipatory bail by the Hon'ble Apex Court in ***Md. Sirajul Islam @ Sirajul Sk Vs. The State of West Bengal (SLP No.4000/2024 dated 06-05-2024)*** and ***Mahasin Sk Vs. The State of West Bengal (SLP No.39205 of 2023 dated 03-01-2024)***.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that the son of the de facto complainant died due to brutal assault by four persons including the present petitioner. It is further submitted that the present petitioner has initiated the physical assault with iron rod upon the de facto complainant. However, it has been submitted that the persons who have been granted anticipatory bail, have also been named by the injured as having physically assaulted the husband of the de facto complainant and the son.

3. Considering the fact that the present petitioner stands on the same footing as **Md. Sirajul Islam @ Sirajul Sk** and **Mahasin Sk** and no proclamation has been made in the meantime, we allow this application for anticipatory bail.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Israfil Sk. @ Md. Israfil**, shall be released on bail upon furnishing a bond of Rs.20,000/-, 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 and on further condition that the petitioner shall appear before the learned Chief Judicial Magistrate, Berhampore, Murshidabad corresponding to G.R. Case No. 5385 of 2022 within one week from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner 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 application for anticipatory bail is disposed of.
6. 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.)