

02.09.2024
Court No.29
Item No. 60

Allowed
sg

CRM (A) 3026 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 Goalpokhor Police Station Case No. 397 of 2020 dated 18.12.2020 under Section 395 IPC and adding section 412 IPC, pending before the learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur.

And

In Re: **Md. Ahsan Alam @ Ehasan**

Petitioner

Mr. Shaharanar Alam
Md. M. Nazar Chowdhury
Ms. Sanchayita De
MA Salik

For the Petitioner

Mr. Ranabir Raychowdhury
Md. Sayeed Khan

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case and the accused person similarly placed as that of the petitioner has been granted anticipatory bail by the Sessions Judge, Uttar Dinajpur on 02/01.03.2024.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has submitted that he has been absconded for last three and half years and the statement of the co-accused would show that the entire conspiracy was hatched at the resident.
3. Considering the materials available in the case diary and having regard to the fact that the petitioner stands on the same footing as of Ser Ali, who has been granted anticipatory bail by the Session Judge, Uttar Dinajpur and also having

regard to the fact that the charge sheet has already been filed, we are of the view that custodial interrogation of the present petitioner is not necessary.

1. Accordingly, we direct that in the event of arrest the petitioner namely, **Md. Ahsan Alam @ Ehasan**, 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 to the satisfaction of learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and subject to further condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders.
2. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
3. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
4. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)