

04.09.2024
SL No.12
Court No.29
(gc)
(Allowed)

CRM (A) 3027 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 Goalpokher Police Station Case No.12 of 2024 dated 11.01.2024 under Sections 120B/302/506 of the Indian Penal Code.

And

In the matter of : **Samiruddin @ Buchchu & Ors.**

- Petitioners.

Mr. Niladri Sekhar Ghosh,
Mr. Shahryar Alam,
Ms. Sompurna Chatterjee,
Mr. Sourov Mondal,
Mr. Md. Nazar Chowdhury
....For the Petitioners.

Mr. Rudradipta Nandy, Ld. A.P.P.,
Mr. Mir Anuruzzaman
... For the State.

1. The learned Counsel for the petitioners submits that the petitioners stand on the same footing as Md. Danish Alam and another who were granted anticipatory bail on 29th July, 2024 in CRM (A) 2147 of 2024. It is submitted that due to political rivalry, a false case has been lodged against the petitioners. It is further submitted that the miscreants have brutally murdered the father of Md. Danish Alam, who was falsely implicated and his name transpired on the basis of a statement of Hakim who was shown as witness in the other case lodged by Roshan Begum.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that there are statements which

implicated the petitioners and the petitioners may not be standing on the same footing as Md. Danish Alam and another. Moreover, the declaration of proclamation and attachment is pending in a criminal revision. However, it has been fairly submitted that there is no CCTV footage which would show the participation of the petitioners in the commission of the alleged offence.

3. The State is unable to produce the CCTV footage as it is reported that CCTV installed in the polling booth are missing.
4. Considering the materials available in the case diary and prima facie it appears that the petitioners stand on the same footing as Md. Danish Alam and another who were granted anticipatory bail by a Coordinate Bench on 29th July, 2024 where the submissions made on behalf of the State today were all taken into consideration and we feel that the pendency of the criminal revision shall not stand in the way of deciding this application as the proclamation has already been stayed 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 petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Samiruddin @ Buchchu, Ahiya Sarfaraj @ Ahia Sarfaraj** and **Ansur Rahman @ Anisur Rahman**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, to the satisfaction of learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur, subject to 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 petitioners shall appear before learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur in connection with G.R. Case No.104 of 2024 on each and every date of hearing until further orders and the petitioners shall not intimidate the witness and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioners fail 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 further reference to this Court.
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.)

(Shampa Dutt (Paul), J.)