

10.09.2024  
Court No.29  
Item No. 34

Allowed  
sg

### CRM (A) 3185 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 Harishchandrapur Police Station Case No. 665 of 2023 dated 09.07.2023 under Sections 143/323/325/506/307/34 of the Indian Penal Code read with Section 25(1-B)/27/35 of the Arms Act, pending before the learned Additional Chief Judicial Magistrate, Chanchal, Malda.

And

In Re: **Abdul Kuddus @ Abdul Quddus & Ors.**  
Petitioners

Mr. Musharam Alam Sk.  
Mr. Krishan Ray  
Mr. Souvik Das  
Mr. Anamitra Banerjee

For the Petitioners

Mr. Anand Kesari  
Mr. Karan Bapuli

For the State

1. We have heard the learned Counsel for the parties.
2. Considering the materials available in the case diary, the statement of the injured in which he has specifically implicated Rafikul Alam @ Rofikul Alam, being the petitioner no.11, for the gunshot injury sustained, we are not inclined to grant anticipatory bail to the petitioner no.11. However, considering the nature and extent of complicity of the other petitioners in the commission of the alleged offence and the allegation leveled against them appears to be omnibus in nature, we are of the view that custodial interrogation of the petitioner nos. 1 to 10, 12 and 13 is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioner nos. 1 to 10, 12 and 13, namely, **Abdul Kuddus @ Abdul Quddus, Nefajul Hoque,**

- Safikul Hoque @ Safikul Islam, Anesur Rahaman, Tafajjul @ Tafajul Haque, Md. Yeasdhani @ Yeasdani, Sariful Hoque, Anamul Hoque @ Enamul Hoque @ Inamul Haque, Saddam Hossain, Rejaul Hoque @ Rejaul Hoque, Furat Ali @ Furak Ali and Tajmul Haque @ Tajamul Hoque**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda 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 Bharatiya Nagarik Suraksha Sanhita. The petitioner nos. 1 to 10, 12 and 13 shall appear before the trial court within two weeks from date and thereafter shall appear on each and every date of hearing until further orders.
4. In the event the petitioner nos. 1 to 10, 12 and 13 fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
  5. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1 to 10, 12 and 13 is allowed and the prayer for anticipatory bail of the petitioner no.11 is rejected.
  6. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

**(Soumen Sen, J.)**

**(Prasenjit Biswas, J.)**