

02.01.2024

Sl.13

Court No.29

(AD)

(Allowed)

C.R.M. (A) 4211 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jhargram** Police Station Case No.**29 of 2023** dated **02.02.2023** under Sections **325/326/307/120B** of the Indian Penal Code in G.R. Case No.114/23 and read with under Sections **25/27** of Arms Act.

And

In the matter of: **Sk. Bul alias Sk. Rustam Ali**

....petitioner.

Mr. Pravas Bhattacharya ... for the petitioner.

Mr. Neguive Ahmed, Ld. APP
Ms. Trina Mitra ...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 passed by the Coordinate Bench.

By such order, the interim bail was granted to the petitioner.

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

We considered the materials in the case diary.

We find that the victim recorded his statement under Section 161 of the Code of Criminal Procedure.

The victim suffered gunshot injury. Eye-witnesses to the incident implicates one Barku who fired the shot on the victim. One co-accused was granted anticipatory bail by the order dated August 29, 2023 passed in CRM(A) 3426 of 2023 on the finding that Barku was the person who fired the shot.

In such circumstances, we confirm the interim order of

anticipatory bail granted to the petitioner on October 16, 2023.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 4211 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)