

20.09.2024
Court No.29
Item No. 8

Allowed

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CRM (A) 3343 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 Act, in connection with Bharatpur Police Station Case No. 104 of 2024 dated 27.04.2024 under Sections 341/325/326/307/506/34 of the Indian Penal Code and under Section 9B of the I.E. Act, pending before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad.

And

In Re: **Jaber Sk @ Jaber Ali & Ors.**

Petitioners

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous

For the Petitioners

Mr. Soumik Ganguly
Ms. Chandreyi Dutta

For the State

Md. Hafiz Ali

For the defacto complainant

1. The State has filed a report wherefrom it appears that warrant of proclamation and attachment has not been executed.
2. The matter is fixed on 24th October, 2024 for appearance. Hence, the initial objection with regard to maintainability of the petition is overruled.
3. We have heard the learned Counsel for the parties.
4. Considering the materials available in the case dairy, the nature and extent of complicity of the present petitioners in the commission of alleged offence, nature of injury and also having regard to the statements of the injured and other witnesses wherefrom it appears that the present petitioners are not the principal accused or the principal assailants and in view of the fact that the

allegation against the present petitioners are omnibus and general in nature and that the charge sheet has already been filed, we are of the view that the custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest the present petitioners, namely, **Jaber Sk @ Jaber Ali, Karim Sk @ Kerim Sekh, Samsul Sk @ Sk Samsul Hoque, Badsha Sk and Jillar Rahaman**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Kandi, Murshidabad, 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 petitioners 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.
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 their bail in accordance with law without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)