

24.09.2024
SL No.33
Court No.29
(gc)
(Partly-Allowed)

CRM (A) 3444 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 Pukhuria Police Station Case No.290 of 2023 dated 15.07.2023 under Sections 341/323/325/326/307/34 of the Indian Penal Code read with Sections 3/4 of Explosive Substance Act.

And

In the matter of : **Naimuddin @ Noimuddin & Ors.**

- Petitioners.

Mr. Mujib Ali Naskar,
Mr. Syed Murshid Alam,
Mr. Subrata Ghosh,
Mr. Nobiul Islam,
Ms. Amrita Sen

....For the Petitioners.

Mr. Saibal Bapuli,
Mr. Subhajit Chowdhury

... For the State.

1. Heard the learned Counsel for the parties.
2. Considering the materials available in the case diary, the nature and extent of complicity of the present petitioners in the commission of the alleged offence and considering the statement of the injured in which, save and except the petitioner no.5, all have been specifically named for physical assault and hurling of bomb towards the injured that had caused amputation of his hand, we are not inclined to grant anticipatory bail to the petitioner nos.1, 2, 3, 4, 6, 7, 8, 9, 10 and 11.
3. Accordingly, the prayer for anticipatory bail of the petitioner nos.1, 2, 3, 4, 6, 7, 8, 9, 10 and 11 is rejected.
4. Accordingly, we direct that in the event of arrest, the petitioner no.5, namely, **Ajijur Rahaman @ Azizur Rahaman**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two

registered sureties of like amount each, to the satisfaction of the arresting officer 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 BNSS, 2023. The petitioner no.5 shall meet the I.O. once in a fortnight till the submission of the final report.

5. It is further directed that the petitioner no.5 shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda in connection with G.R. Case No.2342 of 2023 within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)