

03.01.2024

116
Ct. No. 29
S.D.
P. Allowed

C.R.M.(A) 4463 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliganj** Police Station Case No. **513** of **2023** dated **3.8.2023** under Section 341/325/326/354B/307/506/34 of the Indian Penal Code.

And

In Re: Alek Kha @ Alek Sekh & Ors.

..... petitioners

Mr. Sumanta Das

....for the petitioners

Md. Anwar Hossain

Ms. Ratna Ghosh

....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 dated October 16, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

Learned advocate appearing for the petitioner submits that, the incident of assault is alleged in respect of political rivalry.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. Four

persons sustained injuries while they were on the way to vote in an election. One of the injured suffered grievous hurt. He recorded his Statement under Section 161 of the Cr.P.C. where he stated that the petitioner no. 3 assaulted him on his head with an iron rod. The injury report corroborates such statement.

In such circumstances and considering the gravity of the offence and the involvement of the petitioner, we are unable to confirm the order dated October 16, 2023 in respect of petitioner no. 3. His prayer for anticipatory bail is rejected. So far as the other petitioners are concerned, we confirm the order dated October 16, 2023 and grant them anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1, **Alek Kha @ Alek Sekh** 2, **Sukur Ali Shaikh @ Sukai Sk @ Sekh**, 4, **Rupchand Shaikh @ Rupchand Sk.** and 5, **Bapi Shaikh @ Bapi Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 1, 2, 4 and 5 will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner nos. 1, 2, 4 & 5 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 nos. 1, 2, 4 & 5 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)