

04.01.2024

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

C.R.M.(A) 4503 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Samserganj** Police Station Case No. **220** of **2023** dated **9.7.2023** under Sections 326/307/34 of the Indian Penal Code and Section 25/27 of the Arms Act.

And

In Re : Rejaul @ Rejaul Hoque & Ors.

..... petitioners

Ms. Shabana Hasin

....for the petitioner

Mr. Soumik Ganguly

....for the State

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

We perused the materials in the case diary.

One person suffered bullet gun shot injury. He identified the petitioner no. 4 as the person who fired the firearm.

Considering the gravity of the offence and the involvement of the petitioner no. 4 in the incident, we are unable to confirm the order dated October 16, 2023 so far as the petitioner no. 4 is concerned and his prayer for anticipatory bail is rejected. So far as the other petitioners are concerned, we find that the

incident arose due to political rivalry. No specific role was ascribed to any of them.

Consequently, we confirm the interim order dated October 16, 2023 so far as the other petitioners are concerned.

Accordingly, we direct that in the event of arrest, the petitioner Nos. 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20 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 condition that the said petitioner Nos. 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20 meet the Investigating Officer once a month till the conclusion of the investigation and on condition that they 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 petitioners 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.)

