

04.10.2024

Court No.29

Item No. 46

Allowed

gd/ssd

CRM (A) 3584 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 in connection with Harishchandrapur Police Station Case No.397 of 2024 dated 16.05.2024 corresponding to GR Case No.1267 of 2024 under Sections 302//34 of the Indian Penal Code.

And

In Re: Ekhleshur Rahaman @ Ekhlesur Rahaman @ Aklasur Rahaman & Ors.

Petitioners

Mr. A. Chatterjee

Mr. S. Pakrashy

For the Petitioners

Ms. Zareen N. Khan

Ms. Pritha Paul

For the State

1. Learned counsel for the petitioners prays for anticipatory bail claiming parity with the Tusmera Bibi @ Tusminara Khatun & Another, who have been granted anticipatory bail on 23.09.2024 in CRM (A) 3378 of 2024, this application for anticipatory bail is allowed.
2. Learned counsel for the State has all fairness submitted that the petitioners stand on the same footing as co-accused persons who have been granted anticipatory bail in CRM (A) 3378 of 2024.
3. Accordingly, we direct that in the event of arrest, the petitioners, namely, Ekhleshur Rahaman @ Ekhlesur Rahaman @ Aklasur Rahaman, Md. Ismaile @ Md. Ismail @ Ismail, Md. Rafik @ Rafik Alam, Md. Yunus and Md. Badal Hoque @ Md. Badol shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda 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.

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.

4. 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.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
6. 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)