

07.10.2024
SL No.86
Court No.29
(SSS)

CRM (A) 3654 of 2024

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023; under Section 483 of the Code of Criminal Procedure, 1973 filed in connection with Suti Police Station Case No.374 of 2024 dated 01.06.2024 under Sections 302/34 of the Indian Penal Code.

And

In the matter of Abdul Khalek.

- Petitioner.

Ms. Shabana Hasin,
Ms. Samima Aktar,
Ms. Neha Roy, Advs.

.....For the petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas, Advs.

....For the State.

1. Claiming parity with the co-accused in Item No. 32 [CRM(A) 3590 of 2024] in which the prayer for anticipatory bail was granted to it, prayer of anticipatory bail is made on behalf of the present petitioner.
2. Mr. Arnab Chatterjee, learned Counsel appearing on behalf of the State also does not dispute that the present petitioner's stand on the same footing as that of **Shish Mohammed @ Sish Mohammed** in [CRM(A) 3590 of 2024], he needed information with regard to the trail of monies to different companies have not been satisfactorily explained by the present petitioners.

3. Learned Counsel for the petitioners submits that the I.O has directed the petitioners to be present on 26th September, 2024, however due to reasons beyond the control, the petitioners could not attend. However, he has assured that the petitioners shall appear and meet the I.O on date and time to be intimated by the I.O to the petitioners and shall produce all documents and furnish all required information to the Investigating Officer and shall cooperate with the investigation. On such assurance and prima facie with regard to the fact that the petitioner's stand on the same footing as that of **Shish Mohammed @ Sish Mohammed** in CRM (A) 3590 of 2024), we are inclined to grant anticipatory bail to the petitioner.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the fact that the brother of the deceased suspects the petitioner as one of the persons responsible for the death of his elder brother and having regard to the fact that the first wife of the deceased lodged a complaint against the deceased and his family members prior to the incident, the possibility of false accusation cannot be completely ruled out and moreover, the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner namely, **Abdul Khalek**, shall be released on bail upon

furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C., 1973 corresponding to Section 482(2) of the BNSS, 2023.

6. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Murshidabad in connection with G.R. Case No.1602 of 2024 within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)