

08.01.2024
ML-115
Court No.29
(AD)
(Partly
Allowed)

C.R.M. (A) 4717 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No.**429 of 2023** dated **09.07.2023** under Sections **341/325/326/307/34** of the Indian Penal Code, 1860 [G.R. Case No.4365 of 2023].

And

In the matter of: **Abdul Kalam @ Md Abdul Kalam @ Kalam Sk & Ors.**

....petitioners.

Mr. Sagar Saha

... for the petitioners.

Mr. S.S. Imam

Mr. R. Jana

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 17, 2023.

By such order, the Coordinate Bench granted interim anticipatory bail to the petitioners.

It is submitted at the bar that such order was passed without consulting the materials in the case diary and in view of the ensuing puja vacation.

We perused the materials in the case diary.

In an incident of assault, the victim suffered stab injuries on the chest and in the abdomen.

The victim names petitioner nos.2,3,4 and 7 in his statement recorded under Section 161 of the Code of Criminal Procedure. He, however, states that there are other persons involved in the incident of assault.

The case diary at this stage does not contain any material to suggest the implication of the other petitioners herein.

In such circumstances, we are unable to confirm the interim order dated October 17, 2023 so far as the petitioner nos.2,3,4 and 7 are concerned.

However, we confirm the same so far as the petitioner nos.1,5,6,8 and 9 are concerned.

Accordingly, we direct that in the event of arrest, the petitioner nos.1,5,6,8 and 9 shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two 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 and on further condition that the petitioner nos.1,5,6,8 and 9 will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner nos.1,5,6,8 and 9 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.1,5,6,8 and 9 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner nos.1,5,6,8 and 9 is allowed.

C.R.M. (A) 4717 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)