

11.12.2024
tkm/ct 28
sl no. 63

C.R.M. (A) 4302 of 2024

In Re : An application for anticipatory bail under section 482 of BNSS 2023 in connection with Usthi P.S Case no. 434 of 2018 dated 17.10.2018 under sections 302/34 IPC

Allowed

and

In Re : Kabir Ali Laskar @ Kabir Laskar petitioner

Mr. Saibal Mondal
Ms. Sonali Ghosh

..... for the petitioner

Ms. Rituparna De Ghosh
Mr. Abhinaba Mukherjee

..... for the State

1. Petitioner submits he had not been send up for trial. During trial PW5 referred to the role of the petitioner and others in the crime. Under such circumstances, process was issued against the petitioner and co-accused persons. Co-accused Manirul Laskar and Sabir Hossain Laskar have been granted relief. Hence, he prays for anticipatory bail.
2. Learned counsel for the State submits name of the petitioner and others had transpired in the statements of witnesses before magistrate under section 164 Cr.P.C. However, they were not put up for trial. When the prosecution witnesses deposed implicating the petitioner and co-accused process was issued against them. Petitioner did not respond to the summons and warrant of arrest came to be issued.
3. We have considered the materials on record. It cannot be said that the name of the petitioner transpired for the first time during PW5's deposition. Prior statement before magistrate also discloses his role in the crime. For the reasons best known to the investigating agency he was not send up for

trial. Under such circumstances trial judge was justified in issuing process against the petitioner and co-accused persons. Be that as it may, appropriate orders have been passed by a Co-ordinate Bench protecting the interest of co-accused Sabir Hossain Laskar alias Sabir Laskar and Manirul Laskar. Hence, we are inclined to extend the same relief to the petitioner also.

4. Accordingly, we direct petitioner shall appear before the learned trial court within one week and pray for regular bail relying upon the decision of Sabir Hossain Laskar @ Sabir Laskar and the learned trial court shall consider such prayer being uninfluenced by any observation made in CRM(A) 2084 of 2024 (Santosh Paramanik @ Fuchu Paramanik). The execution of warrant of arrest be stayed for one week. In the event of non-compliance of the order passed today, it shall be immediately revived.
5. The application being CRM (A) 4302 of 2024 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)