

06.02.2024
Item No.77
Ct. No. 29
CHC
Partly Allowed

C.R.M.(A) 5521 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **1452** of **2023** dated **25.10.2023** under Sections **341/325/326/307/34** of the Indian Penal Code.

And

In the matter of : Baharam Khan & ors.

..... petitioners

Ms. Minoti Gomes,
Mr. Sourav Mukherjee,
Ms. Dona Sanyal

....for the petitioners

Mr. Bidyut Kumar Ray,
Ms. Jonaki Saha

....for the State

Petitioners pray for anticipatory bail.

Three persons suffered injuries in an incident of assault who implicated petitioner nos.1, 5, 7 and 11 in causing the injuries of grievous hurt.

Considering the role in such incident of the petitioner no.1, namely, Baharam Khan, petitioner no.5, namely, Murshed @ Badiya, petitioner no.7, namely, Ramjan Ali @ Sk. Ramjanul and petitioner no.11, namely, Sk. Nurul Islam @ Nurul Islam, we are unable to grant anticipatory bail to them.

So far as the other petitioners are concerned, considering their role in the incident we grant anticipatory bail to petitioner nos.2, 3, 4, 6, 8, 9, 10, 12, 13 and 14.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, Julfikar Khan, petitioner no.3, namely, Aslam Khan, petitioner no.4, namely, Murshed Khan @ Mursed Khan, petitioner no.6, namely, Muksed @ Muksed Alam @ Bicchhu, petitioner no.8, namely, Sk Abdul, petitioner no.9, namely, Sk Sahajan, petitioner no.10, namely, Sk Fultun, petitioner no.12, namely, Jiaul @ Jiaul, petitioner no.13, namely, Faibul @ Sk Faibul and petitioner no.14, namely, Baddo 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners will report before the Investigating Officer once in a fortnight till the conclusion of investigation and on condition that the petitioners 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 in respect of petitioner no.2, namely, Julfikar Khan, petitioner no.3, namely, Aslam Khan, petitioner no.4, namely, Murshed Khan @ Mursed Khan, petitioner no.6, namely, Muksed @ Muksed Alam @

Bicchhu, petitioner no.8, namely, Sk Abdul, petitioner no.9, namely, Sk Sahajan, petitioner no.10, namely, Sk Fultun, petitioner no.12, namely, Jiaul @ Jiaul, petitioner no.13, namely, Faibul @ Sk Faibul and petitioner no.14, namely, Baddo is, thus, allowed.

CRM(A) 5521 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)