

17.12.2024
Sl. No.19
akd
[PARTLY
ALLOWED]

C. R. M. (A) 4402 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 05.12.2024 in connection with Islampur Police Station Case No. 237 of 2024 dated 19.03.2024 under Sections 447/323/326/307/379/34 of the Indian Penal Code. (G.R. Case No.737 of 2024)

And

In Re: ***Md. Enamul Haque @ Enamul & Ors.***

... .. Petitioners

Mr. Soupal Chatterjee
Mr. Bimal Sil
Mr. Anupam Das

... .. for the petitioners

Mr. Shaharayaz Alam

... .. for the de-facto complainant

Mr. Sanjay Bardhan
Ms. Rita Datta

... .. for the State

1. Heard learned Advocates for the respective parties.
2. We have considered the materials on record. It is contended there was a free fight between the parties. Principal allegations are levelled against one Rafique (*who is on regular bail*) and petitioner no.1. Hence, we are not inclined to grant anticipatory bail to petitioner no.1.
3. Accordingly, the prayer for anticipatory bail of the petitioner no.1 namely, ***(1) Md. Enamul Haque @ Enamul*** is rejected.
4. However, keeping in mind the extent of complicity of petitioner nos.2, 3, 4, 5 and 6 in the alleged crime and as allegations against them are general and omnibus, we are inclined to grant anticipatory bail to petitioner nos. 2, 3, 4, 5 and 6.
5. Accordingly, we direct in the event of arrest, the petitioner nos. 2, 3, 4, 5 and 6 namely ***(2) Mustafa, (3) Izharul @ Izarul Haque, (4)***

Arfin @ Md. Afrin Alam @ Afrin, (5) Badrul & (6) Sultan, be released on bail upon furnishing 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner nos. 2, 3, 4, 5 and 6 shall meet the Investigating Officer once in a week until further orders. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)