

22.04.2024
Court No.01
Item No. 173

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

Allowed

sg

CRM (A) 220 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 821 of 2021 dated 17.08.2021 under Sections 143/341/326/307/302/34 of the Indian Penal Code.

And

In Re: **Jahanur Alam @ Jahanur Hossain & Anr.**

Petitioners

Mr. Arjun Chowdhury

For the Petitioners

Mr. Kallol Acharjee,
Mr. Sourav Ganguly,

For the State

1. We have heard the learned Counsel for the parties. At the very outset, the learned Counsel for the petitioner submits before this Court that he is not pressing the instant application for anticipatory bail in respect of the petitioner no.1, Jahanur Alam @ Jahanur Hossain since the petitioner no.1 has already been enlarged on anticipatory bail by the learned trial Court.
2. In view of such, the prayer for anticipatory bail of the petitioner no.1 stands rejected being not pressed.
3. The learned Counsel for the petitioner draws the attention of the Court to the order dated January 29, 2024 as passed in CRM (A) 38 of 2024 by a coordinate Bench, of which one of us (Partha Sarathi Sen, J.) is a member. It appears that by the said order, one co-accused has been enlarged on anticipatory bail. It is submitted that the present accused petitioner no.2 is

similarly circumstanced with said Jahangir Alam @ Hossain, who has been enlarged on anticipatory bail.

4. Mr. Sourav Ganguly, learned Counsel appearing for the State, however, opposes the prayer for anticipatory bail on the ground that in the earlier order, it has been made clear that the previous petitioner was not named in the FIR.
5. On perusal of the entire materials as placed before us, it reveals that investigation has already been completed. It further reveals that case records has been split up and sent up for trial. It further appears to us that the present accused petitioner is similarly circumstanced with Jahangir Alam @ Hossain, who has been enlarged on anticipatory bail in CRM(A) 38 of 2024.
6. Taking into consideration the facts and submission, the development occurred in the meantime and for timely conclusion of the trial, we direct that the petitioner no.2, namely, Majir Hossain, to surrender before the learned CJM, Cooch Behar in G.R. Case No. 1317 of 2021 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail, he shall be released on bail including the conditions that:
 - i) The petitioner shall appear before the aforesaid Judicial Magistrate twice in a week till commitment is over.
 - ii) He shall appear before the trial court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.
 - iii) He shall not leave the jurisdiction of the learned trial court for a period of 15 days at a time without prior leave of the trial court.
7. Accordingly, the prayer for the anticipatory bail of the petitioner no.2 namely Majir Hossain is allowed.

8. The application being CRM (A) 220 of 2024 is disposed of.
9. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Soumen Sen, J)

(Partha Sarathi Sen, J)