

24.04.2024
Court No.01
Item No. 42
**Partly
Allowed**

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

ar

CRM (A) 360 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No. 325 of 2023 dated 27.6.2023 under Sections 447/341/324/325/326/307/302/435/506/34 of the Indian Penal Code.

And

In Re: **Ramjan Ali & Ors.**

Petitioners

Mr. Sudip Guha

For the Petitioners

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Subhasish Misra

For the State

1. Heard the learned advocates for the parties.
2. At the very outset learned advocate for the petitioners submits before this Court that the petitioner no. 1, Ramjan Ali, the petitioner no. 3, Ershad Hoque and the petitioner no. 4, Mjidul Haque @ Majidul Hoque are similarly circumstanced with the accused persons already enlarged on anticipatory bail by a coordinate bench of this Court on 09.4.2024. The said three accused persons may be enlarged on bail on the ground of parity.
3. It is further submitted that though the previous application for anticipatory bail in respect of the petitioner no. 2, Chhamidul Haque and the petitioner no. 5, Sobahan Ali @ Chhoban Ali have been rejected earlier but considering the fact that the investigation has

already been completed in the mean time they may also be enlarged on anticipatory bail.

4. Learned counsel for the State opposes the prayer for anticipatory bail of all the accused petitioners.
5. On perusal of the entire materials placed before us we find that the present accused petitioners, namely, the petitioner no. 1, Ramjan Ali and the petitioner no. 3, Ershad Hoque are similarly circumstanced with the accused persons who are enlarged on anticipatory bail in CRM (A) 275 of 2024.
6. It further appears that the custodial interrogation of the petitioner no. 4, Mjidul Haque @ Majidul Hoque is not also necessary since the investigation has already been completed.
7. Accordingly, we direct that in the event of arrest, **the petitioner no. 1, Ramjan Ali, the petitioner no. 3, Ershad Hoque and the petitioner no. 4, Mjidul Haque @ Majidul Hoque** shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the A.C.J.M, Dinhata and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating Officer once in a week till the final report is filed and shall not leave the territorial jurisdiction of the learned Trial Court except with the permission of the learned Trial Court till submission of the final report and shall remain present before the learned trial court within fortnight from today.
8. In absence of any supervening circumstances for entertaining the application for anticipatory bail for second time in respect of accused **petitioner no. 2, Chhamidul Haque and the petitioner no. 5,**

Sobahan Ali @ Chhoban Ali, their prayer for anticipatory bail stands rejected.

9. CRM (A) 360 of 2024 is, thus, disposed of.
10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)