

29.01.2025

Serial no. **2**
Anticipatory bail
[**Rejected**]
Dd

CRM (A) 297 of 2025

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **402** of **2023** dated **12.07.2023** under Sections **448/325/326/307/354/34** of the Indian Penal Code, 1860 adding Section **302** of the IPC.*

-And-

In the matter of : **JAMIRUL AHMED @ JAMIRUDDIN @ KOLI**
... ..**Petitioner**

Mr. Sourav Chatterjee, sr. adv.
Mr. Robiul Islam,
Mr. Raju Mondal,
Mr. Masud Hossain, Advocates
... .. For the Petitioner

Mr. Subhomoy Bhattacharya,
Mr. Sachit Talukdar, Advocates
... ..For the State

1. This is the second application for anticipatory bail made by the petitioner.
2. Learned senior advocate appearing for the petitioner submits that, the previous application for anticipatory bail was dismissed as not pressed by the order dated January 11, 2024 passed in CRM(A) 4908 of 2023. He submits that, subsequent to the order dated January 11, 2024, another co-accused was afforded pre-arrest bail by the order dated August 2, 2024 passed in CRM(A) 2619 of 2024. The petitioner in CRM(A) 2619 of 2024 was one of the petitioners along with present petitioner in CRM(A) 4908 of 2023.
3. Learned senior advocate appearing for the petitioner submits that the police filed charge sheet. He draws the attention of the Court to the contents of the charge sheet. He submits that, petitioner is not named in the charge sheet as a person who is

found from the statements recorded under Section 164 of the Criminal Procedure Code.

4. Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statements recorded under Section 164 of the Criminal Procedure Code. He submits that, the statements recorded under Section 164 of the Criminal Procedure Code names two persons both named Jamirul. He submits that petitioner before the Court is named by eye witnesses in their statements recorded under Section 164 of the Criminal Procedure Code.

5. We considered the materials available in the case diary as also the materials in the petition.

6. Petitioner before us applied for anticipatory bail by CRM(A) 4908 of 2023 along with one Enamul Hoque which was dismissed as not pressed by the order dated January 11, 2024.

7. Thereafter, Enamul Hoque who was one of the petitioners in CRM(A) 4908 of 2023 along with present petitioner applied for pre-arrest bail by way of CRM (A) 2619 of 2024 and the same was granted on August 2, 2024.

8. While passing the order dated August 2, 2024 passed in CRM(A) 2619 of 2024, co-ordinate Bench noted that, no overt act was ascribed to Enamul Hoque in the incident of murder. Consequently, the co-ordinate Bench granted anticipatory bail to Enamul Hoque.

9. So far as present petitioner is concerned, there are two statements recorded under Section 164 of the Criminal Procedure Code, both eye-witnesses to the incident of murder. Both the statements record the presence of two Jamiruls at the place of occurrence and claimed that they participated in the incident. Petitioner is one of the Jamiruls spoken of.

10. Notwithstanding the charge sheet there are ample materials in the case diary to frame charges for murder as against the petitioner as an active participant therein.

11. In such circumstances, we are not in a position to arrive at a finding that, the petitioner before us stand in the same footing as that of Enamul Hoque who was afforded the pre-arrest bail by the order dated August 2, 2024 passed in CRM(A) 2619 of 2024.

12. In such circumstances, we are unable to grant anticipatory bail to the petitioner.

13. Prayer for anticipatory bail of the petitioner is **rejected**.

14. **CRM (A) 297 of 2025** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)