

05.05.2025
SL.32
Ct.No.28
NB

CRM (A) 1434 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Harischandrapur P.S. Case No.665 of 2023 dated 09.07.2023 under Sections 143/323/325/506/307/34 of the Indian Penal Code read with Sections 25(1-B)/27/35 of the Arms Act pending before the learned Additional Chief Judicial Magistrate, Chanchal at Malda.

And

In the matter of: Alauddin & Anr. ...petitioners

Mr. Asfak Ahammed.
...for the petitioners.

Mr. Atif Ahmed Siddiqui.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. There was an altercation between two different groups of people during the last panchayat election. The present FIR arises out of such dispute. By an order dated 10.09.2024 passed by a Division Bench of this Court in *CRM (A) 3185 of 2024*, eleven persons were granted anticipatory bail while the application for anticipatory bail of one accused was rejected. The present petitioners stand on similar footing as the one who was granted anticipatory bail. Although, there was alleged gun shot injury, the victims were not admitted in the hospital.

Learned counsel appearing on behalf of the State relies on the case diary and points to the injury reports and the statements of witnesses. By an order dated 23.04.2025 passed in CRM (A) 1223 of

2025, while one person was granted anticipatory bail, the prayer for anticipatory bail of the four other co-accused was rejected. The name of the petitioner no.1 has been specifically taken by the injured victim as one of the prime accused who carried the arms. He is on the same footing as the one whose prayer for anticipatory bail was rejected by this Court. However, the petitioner no.2 stands on the same footing as the one whose prayer for anticipatory bail was allowed earlier.

In view of the materials contained in the case diary and the respective roles ascribed to the present petitioners while I am inclined to grant anticipatory bail to the petitioner no.2 (Sayed Anuwar @ Sahid Anowar), the application for anticipatory bail of the petitioner no.1 (Alauddin) is hereby rejected.

Accordingly, in the event of arrest, the petitioner no.2 (Sayed Anuwar @ Sahid Anowar) shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition not to threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and to attend the jurisdictional Court on the dates fixed and to surrender before the jurisdictional Court and pray for bail within four weeks from this date.

The application for anticipatory bail being **CRM(A) 1434 of 2025** is, thus, partly allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)