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ITEM NO.11

COURT NO.4

SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1599/2013

(From the judgement and order dated 24/01/2013 in CRM No.822/2013 of The HIGH COURT OF CALCUTTA)

RAJU ALI @ REJAUL HOQUE

Petitioner(s)

VERSUS

STATE OF W.B.

Respondent(s)

(With appln(s) for exemption from filing O.T.,anticipatory bail)

Date: 04/03/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM

HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)

Mr. Fakhruddin, Sr. Adv.
Mr. Dipak Kumar Jena, Adv.
Ms. Minakshi Ghosh Jena, Adv.
Mr. Yatharth, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

From the FIR it only appears that the son of the informant died under unexplained circumstances while he was living in the house of accused.

From the order of the learned Sessions Judge by which he refused anticipatory bail to the three accused, it transpires that the son of the informant while living in the house of accused died as a result of an electric shock.

All the three accused jointly moved the High Court for grant of anticipatory bail. The High Court granted anticipatory bail to accused 2 and 3 but rejected the prayer on behalf of the petitioner (accused no.1).

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From the brief order passed by the High Court it is not at all clear what weighed the High Court in granting bail to the other two accused and why the same prayer made by the petitioner was rejected.

In the aforesaid facts and circumstances, this Court may feel inclined to remit the matter to the High Court for a reconsideration of the case of the petitioner and to pass a speaking order on his prayer for anticipatory bail.

Issue notice. Rule returnable two weeks.

Dasti, in addition, is permitted.

Till further orders, the petitioner shall not be arrested in connection with FIR No.423/2012 dated 17.11.2012, Police Station Chanchal, District Malda.

| (Neetu Khajuria)

| (Sneh Bala Mehra)

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| Sr.P.A.

| Court Master

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