

01.05.2024
Item No.13
Ct. No. 29
CHC
Partly Allowed

C.R.M.(A) 1546 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nadanghat** Police Station Case No. **158/2024** dated **15.03.2024** under Sections **341/323/326/307/506/34** of the Indian Penal Code, pending before the Learned Additional Chief Judicial Magistrate, Kalna, Purba Bardhaman.

And

In the matter of : Nayan Sk alias Idrish Ali Sekh & ors.
..... petitioners

Mr. Atanu Biswas
....for the petitioners

Mr. Avishek Sinha,
Ms. Ankita Paul
....for the State

Mr. Tirthankar Dhali
....for the de facto complainant

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, petitioners were falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the injury report as also statements of the injured. He submits that, petitioner no.4, namely, Toton Sekh used an iron rod while petitioner no.5, namely, Giyas Sk. alias Giyasuddin Sekh used a sharp cutting weapon to inflict the injuries. He submits that both the offending weapons were seized.

Learned advocate for the de facto complainant refers to the photographs of the injuries of the injured.

Materials in the Case Diary implicate the petitioner no.4, namely, Toton Sekh and petitioner no.5, namely, Gias Sk. alias Giasuddin Sekh of using the iron rod and the sharp cutting weapon respectively to inflict the injuries. The injured suffered injuries on the head and were required to administer 18 stitches.

Considering the gravity of the offence and involvement of the petitioner no.4, namely, Toton Sekh and petitioner no.5, namely, Gias Sk. alias Giasuddin Sekh in the incident, we are unable to grant anticipatory bail to them.

So far as petitioner no.1, namely, Nayan Sk. alias Idrish Ali Sekh, petitioner no.2, namely, Nazrul Sekh and petitioner no.3, namely, Atab Ali Sekh are concerned, although they were present at the spot, considering their role as transpiring from the materials in the Case Diary, we grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest the petitioner no.1, namely, Nayan Sk. alias Idrish Ali Sekh, petitioner no.2, namely, Nazrul Sekh and petitioner no.3, namely, Atab Ali Sekh shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners will report before the Investigating Officer once in a week till the conclusion of investigation and on condition that the petitioners

shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail in respect of petitioner no.1, namely, Nayan Sk. alias Idrish Ali Sekh, petitioner no.2, namely, Nazrul Sekh and petitioner no.3, namely, Atab Ali Sekh is, thus, allowed.

CRM(A) 1546 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)