

13.06.2024
SL No.10
Court No.29
(gc)
(Allowed)

CRM (A) 1923 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Rejinagar Police Station Case No.10 of 2024 dated 05.01.2024 under Sections 448/323/325/307/34 of the Indian Penal Code.

And

In the matter of : **Monirul @ Monirul Sk @ Sekh**

- Petitioner.

Mr. Amanul Islam,
Mr. Sourav Mukherjee

....For the Petitioner.

Mr. Imran Ali,
Ms. Puspita Saha

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated. It is submitted that due to boundary dispute, a false complaint has been lodged.
2. The learned Counsel for the State refers to the statement of one Dulal Chand Sk. recorded under Section 161 of the Cr.P.C. and the injury reports and submits that the petitioner is directly implicated by the said statement. However, it is submitted that the other co-accused persons have been granted anticipatory bail by the learned Trial Court.
3. Considering the materials available in the case diary, the statement of the said witness recorded under Section 161 of the Cr.P.C., the nature of injury and involvement of the petitioner in the commission of the alleged offence and having regard to the fact that there is a case and counter-case a free fight took place

between the neighbours, we are of the view that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Monirul @ Monirul Sk @ Sekh**, 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 the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the present accused petitioner shall cooperate with the investigation and shall appear before the learned Chief Judicial Magistrate at Berhampore in G.R. Case No.92 of 2024 and pray for regular bail within two weeks from date and shall attend the Trial Court on every date of hearing until further orders.
5. Accordingly, the application for anticipatory bail is disposed of.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)