

27.06.2024

Court No.29

Item No. 05

Allowed

ar

CRM (A) 1977 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 384 of 2024 dated 02.05.2024 corresponding to G.R Case No. 2454 of 2024 under Sections 341/323/325/307/354/354B of the Indian Penal Code.

And

In Re: **Alihim Sk & Anr.**

Petitioners

Mr. Debabrata Ray

Ms. Karabi Roy

For the Petitioners

Mr. Md. Adil Badr, Jr. Govt. Adv

Mr. Sachit Talukdar

For the State

1. Learned counsel for the petitioners submits that due to boundary dispute free fight took place between the parties. However, the petitioners are innocent and they have been falsely implicated in the instant case.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the eye-witnesses recorded under Section 161 Cr.P.C and the medical report.
3. Considering the materials available in the case diary, the nature and complicity of the petitioners in the commission of the alleged offence and prima facie it appears that no direct involvement of the petitioners would appear from the statement of the witnesses, except the name being mentioned by some of the neighbours, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners namely, **Alihim Sk & Manowara Bibi @ Anju Manowara Sekh** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two

sureties of like amount each, one of whom must be local, subject to cooperate with the investigation. The petitioners also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall not leave the jurisdiction of Kaliganj Police Station without the leave of the learned Additional Chief Judicial Magistrate, Krishnagar, Nadia and the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Krishnagar, Nadia within two weeks from date in connection with G.R. Case No. 2454 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)