

03.07.2024
SL No.13
Court No.29
TN
(Allowed)

CRM (A) 2064 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Nalhati Police Station Case No.172 of 2024 dated 17.04.2024 under Sections 341/323/325/326/379/506/34 of the Indian Penal Code.

And

In the matter of : **Kadam Rosul @ Kadam Rasul and another.**
- petitioners.

Mr. Prosenjit Mukherjee,
Mr. Saptarshi Chakraborty,
Ms. Manisha Mondal

....for the petitioners.

Mr. Partha Pratim Das,
Mr. Ivan Roy

... for the State.

1. The learned Counsel for the petitioners submits that due to family dispute over property matter, the petitioners have been falsely implicated.
2. The learned Counsel for the State in opposing the prayer has referred to the case diary and more particularly the injury report. However, it is submitted that persons similarly placed as that of the petitioners have been granted anticipatory bail by the Sessions Judge, Birbhum.
3. Considering the materials available in the case diary, nature of injury and the extent of complicity of the petitioner in the commission of the alleged offence *prima facie* it appears that there was a free fight over a property matter and also having regard to the fact that charge sheet has already been filed, 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, **Kadam Rosul @ Kadam Rasul and Aabdul Ajij @ Md. Aziz** 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, 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 petitioners shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum within two weeks from date and pray for regular bail.
5. It is further directed that the petitioners shall appear each and every date of hearing 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 presence of the petitioners in court including cancelling the anticipatory bail granted without further reference to this court.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)