

12.07.2024
Court No.29
Item No. 14

Partly Allowed

sg

CRM (A) 2158 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chopra Police Station Case No. 281 of 2024 dated 08.05.2024 under Sections 498A/307 of the Indian Penal Code, pending before the learned Additional District and Sessions Judge, Islampur, Uttar Dinajpur.

And

In Re: **Hakimuddin & Anr.**

Petitioners

Mr. Ayan Basu
Mr. Amit Roy
Mr. Sumit Routh

For the Petitioners

Ms. Diksha Ghosh

For the State

Md. M. Nazar Chowdhury
Ms. Sanchayita De
MA Salik

For the defacto complainant

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case.
2. The learned Counsel for the State has produced the case diary and opposed the prayer for anticipatory bail.
3. The learned Counsel for the de-facto complainant has also opposed the prayer for anticipatory bail.
4. Considering the materials available in the case diary, the nature of injury sustained by the victim and the statement of the victim directly implicating the petitioner no.1, we are not inclined to grant anticipatory bail to the petitioner no.1. However, considering the nature and extent of involvement of

the petitioner no.2, we are of the view that the custodial interrogation of the petitioner no. 2 is not necessary.

5. Accordingly, we direct that in the event of arrest the petitioner no. 2 namely, **Mustafa @ Md. Mustafa**, 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 Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and the petitioner no. 2 shall meet the I.O. once in a week till the submission of final report. The petitioner no.2 shall appear before the learned Additional District and Sessions Judge, Islampur, Uttar Dinajpur, in connection with G.R. Case No. 1300 of 2024 within two weeks from date.
6. Accordingly, the prayer for anticipatory bail of the petitioner no. 2 is allowed. The application for anticipatory bail of the petitioner no. 1 is rejected.
7. CRM (A) 2158 of 2024 is, thus, disposed of.
8. 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.)