

15.07.2024
Court No.29
Item No. 12

Allowed

sg

CRM (A) 2353 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS Act, in connection with Nakshipara Police Station Case No. 202 of 2024 dated 05.03.2024 under Sections 341/325/326/307/506/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Krishnagar at Nadia.

And

In Re: **Nachera Bibi @ Nachu & Anr.**

Petitioners

Mr. Sumanta Das

For the Petitioners

Mr. S.S. Imam

Ms. Ratna Ghosh

For the State

1. The learned Counsel for the petitioners submits that due to village dispute, the petitioners have been falsely implicated. There has been case and counter-case between the parties.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has produced the case diary, injury report and the statement of the injured recorded under Section 161 of the Code of Criminal Procedure.
3. Considering the materials available in the case diary and the involvement of the present petitioners in the commission of alleged offence and having regard to the fact that Ijarul Sekh appears to be the main person inflicted the blow and also having regard to the fact that charge sheet has already been fled, we are of the view that the custodial interrogation of the petitioners is not necessary.

1. Accordingly, we direct that in the event of arrest the petitioners namely, **Nachera Bibi @ Nachu and Sahiba Sekh @ Aila Bibi**, 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 learned Chief Judicial Magistrate, Krishnagar at Nadia and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that the petitioners shall appear before the trial court on each and every date of hearing until further orders.
2. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
3. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
4. CRM (A) 2353 of 2024 is, thus, disposed of.
5. 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.)