

22.07.2024

Court No.29

Item No. 46

Allowed

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CRM (A) 2451 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Paikar Police Station Case No. 173 of 2024 dated 18.05.2024 corresponding to G.R Case No. 831 of 2024 under Sections 448/323/325/307/506/34 of the Indian Penal Code.

And

In Re: Anera Bibi & Ors.

Petitioners

Mr. Jahangir Hossain

For the Petitioners

Ms. Zareen N. Khan

Ms. Snigdha Saha

For the State

1. Learned counsel for the petitioners submits that there is a dispute regarding the village pathway and there has been case and countercase between the parties. Due to such rivalry a false complaint has been lodged against the petitioners. It is further submitted that the victims have assaulted the petitioners over such dispute. The petitioners lodged the first complaint. As a counter blast, subsequent false complaint has been lodged.
2. Learned counsel for the State has produced the case diary and has referred to the statement of the injured and the injury report.
3. Considering the materials available in case diary and there is a existing dispute between the parties and the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the injury report, 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, **Anera Bibi, Lutful Sekh, Nejamuddin Sekh and Faring Sekh @ Esrail 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 the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The **petitioner nos. 2, 3 and 4** shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and the **petitioner no. 1** shall cooperate with the investigation and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum within two weeks from date in connection with G.R. Case No. 831 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)

