

Court No. 29
(266041)

CRM (A) 2495 of 2024

29.07.2024
(AD 21)
(S. Banerjee)

In re: ^e An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Shasan Police Station Case No. 98 of 2024 dated 07.05.2024 under Sections 447/326/307/34 of the Indian Penal Code.

**(Partly
Allowed)**

And

In the matter of: Mannan Ali & Ors.

...petitioners

Md. Yunush Mondal
Mr. Pronojit Ray

... for the petitioners

Mr. Sujan Chatterjee

... for the State

1. Learned counsel for the petitioners submits that on the date of the alleged incident, the victim harassed and assaulted the petitioners and tried to kill the petitioner no. 1. The petitioner no. 1 received serious injuries.
2. The State has produces the case diary.
3. Initially the case was not registered by the local police station for which after following the provisions of Section 156(1) and 156(2), an application under Section 156(3) Cr.P.C. was filed before the appropriate jurisdictional court by the injured complainant making specific allegations against all the petitioners.
4. Considering the materials available in the case diary and the nature and extent of the injury suffered by the petitioners which appear to be grievous in nature and the nature and

extent of involvement of the petitioners in the commission of the alleged offence, we allow anticipatory bail in respect of petitioner nos. 2 and 4.

5. Accordingly, we direct that in the event of arrest, the petitioner nos. 2 and 4 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, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioners shall meet the IO once in a week or as and when required. The petitioners shall not leave the jurisdiction of the Shasan Police Station till the submission of the final report.
6. It is further directed that the present petitioners shall appear before the jurisdictional court within two weeks from date and pray for regular bail.
7. It is further directed that the petitioners shall appear on every date before the learned Chief Judicial Magistrate, Barasat, North 24 Parganas 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 petitioner in court including canceling the anticipatory bail granted without further reference to this court.

8. Accordingly, the application for anticipatory bail is allowed in respect of petitioner nos. 2 and 4.
9. The prayer for anticipatory bail of the petitioner nos. 1 and 3 stands rejected. They shall cooperate with the investigation and appear before the learned Chief Judicial Magistrate, Barasat, North 24 Parganas.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)