

05.08.2024
SL No.28
Court No.29
(gc)
(Partly Allowed)

CRM (A) 2503 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Bhutni Police Station Case No.57 of 2023, dated 22.03.2023 under Sections 341/325/326/307/34 of the Indian Penal Code [Charge sheet submitted under Sections 341/325/308/34 of IPC].

And

In the matter of : **Amit Sk & Ors.**

- Petitioners.

Mr. Tapodip Gupta,
Mr. Suman Bhanja

....For the Petitioners.

Mr. Atif Ahmed Siddiqui

... For the State.

1. The learned Counsel for the petitioners submits that the petitioner no.3, namely, **Kural Sk.** has already been arrested.
2. Accordingly, the application for anticipatory bail of the petitioner no.3 is dismissed as not pressed.
3. The learned Counsel for the petitioners also submits that the other petitioners are innocent and they have been falsely implicated.
4. The learned Counsel appearing on behalf of the State has produced the case diary and submitted that all the petitioners have been named by the injured and there have been multiple fracture and other injuries on the body of the injured.
5. Considering the nature and extent of complicity of the petitioner nos.1, 2 and 4 in the commission of the alleged offence and moreover the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner nos.1, 2 and 4 is not required.

6. Accordingly, we direct that in the event of arrest, the petitioner nos.1, 2 and 4, namely, **Amit Sk., Rijuyan Sk. and Sattar Ali**, 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 BNSS, 2023.
7. It is further directed that the petitioner nos.1, 2 and 4 shall appear before the learned Chief Judicial Magistrate, Malda in connection with G.R. Case No.1735 of 2023 within two weeks from date.
8. It is further directed that the petitioner nos.1, 2 and 4 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 the presence of the petitioner nos.1, 2 and 4 in Court including cancelling the anticipatory bail granted without further reference to this Court.
9. Accordingly, the application for anticipatory bail is disposed of.
10. 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.)