

Court No. 29
(266041)

CRM (A) 2524 of 2024

29.07.2024
(AD 50)
(S. Banerjee)

**(Partly
Allowed)**

In re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Sagardighi Police Station Case No. 280 of 2024 dated 03.07.2024 under Sections 329(4)/118(1)/118(2)/109/3(5) of the Bhartiya Naya Sanhita, 2023, pending before the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad.

And

In the matter of: Bigyan Sekh @ Bigyan Sk. & Ors.
...petitioners

Ms. Benajir Hasna
Ms. Puja Goswami
Mr. Aliul Islam

... for the petitioners

Ms. Faria Hossain
Mr. R. Jana

... for the State

Mr. Santanu Talukdar
Mr. Priyankar Ganguly
Ms. Shalini Bairagi

... for the de facto complainant

1. Leave is granted to correct the typographical error in respect of petitioner no. 10 appearing at page no. 3 of the petition in course of the day.
2. Learned counsel for the petitioners submits that due to free-fight between the parties, the petitioners have also suffered injury and they have been falsely implicated.
3. Learned counsel for the State in opposing the prayer has referred to the statement of the injured recorded under Section 161 Cr.P.C..

4. Learned counsel for the de facto complainant has also opposed the prayer for anticipatory bail.
5. Considering the materials available in the case diary, the statement of the injured recorded under Section 161 Cr.P.C. and the injury report, the prayer for anticipatory bail of petitioner nos. 1 (Bigyan Sekh @ Bigyan Sk.), 3 (Ataur Rahaman @ Ataul Sk.) and 4 (Samim Sk.) are rejected considering the specific role ascribed by the injured.
6. It is submitted that the petitioner no. 7 (Samim Ahamed @ Pipol Sk.) has already been arrested.
7. The prayer for anticipatory bail in respect of petitioner nos. 2, 5, 6 8, 9 and 10 is allowed.
8. Accordingly, we direct that in the event of arrest, the petitioner nos. 2 (Ekbarsk @ Akbar Ali @ Ekbor), 5 (Asik Sk @ Hamim Sk), 6 (Bablu Sekh), 8 (Mamin Sk @ Manin Sk), 9 (Masadul Sk @ Masa Sk) and 10 (Mithun Sk @ Mitul Sk) 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 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 concerned police station till the submission of the final report.

9. It is further directed that the present petitioners shall appear before the jurisdictional court within two weeks from date and pray for regular bail.
10. It is further directed that the petitioners shall appear on every date before the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad 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.
11. Accordingly, the application for anticipatory bail is allowed in respect of petitioner nos. 2, 5, 6 8, 9 and 10.
12. The prayer for anticipatory bail of the petitioner nos. 1, 3 and 4 stands rejected. They shall not leave the jurisdiction of the Sagardighi Police Station except for the purpose of attending the court and shall cooperate with the investigation.
13. 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.)