

31.07.2024
Court No.29
Item No. 20

Partly Allowed

sg

CRM (A) 2535 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, in connection with Gazole Police Station Case No. 317 of 2024 dated 28.04.2024 under Sections 447/341/325/307/506/34 of the Indian Penal Code and, pending before the learned Chief Judicial Magistrate, Malda.

And

In Re: **Jiarul Hoque @ Jiyarul Mia & Ors.**
Petitioners

Mr. Kalidas Saha
Ms. Mandira Mandal
Ms. Khushi Mollick

For the Petitioners

Mr. Binoy Kr. Panda
Ms. Jonaki Saha

For the State

1. The learned Counsel for the petitioners submits that over a land dispute, a false complaint has been registered against the petitioners. It is further submitted that a civil suit was filed by the predecessor of the husband of the defacto complainant and after hearing the said suit, the learned trial court was pleased to pass the order dated 20th September, 2021 in favour of the father of the predecessor of the petitioner.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has placed the CD and the statement of the injured recorded under Section 161 of the Cr.P.C.

3. Considering the materials available in the case diary, the statement of the injured directly implicating the petitioner no.1 for the commission of alleged offence and having regard to the fact that nature of injury sustained by Ekramul Hoque is grievous in nature, we are not inclined to grant anticipatory bail to the petitioner no.1.
4. However, having regard to the nature and extent of involvement of the petitioner nos. 2 to 6 in the commission of alleged offence, we are of the view that the custodial interrogation of the petitioner now. 2 to 6 is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioner nos. 2 to 6 namely, **Nurul Islam @ Najrul Islam @ Nur Islam @ Nazrul Islam, Rahul Amin @ Ruhul Amin, Kamimul @ Karimul Hossain, Hannan Sk @ Hasan Ali and Jalaluddin Sekh @ Jalaluddin @ Jalauddin**, 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 Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on condition that the petitioners shall meet the I.O. once in a week. The petitioner nos. 2 to 6 shall appear before the learned Chief Judicial Magistrate, Malda, within two weeks from date.
6. In the event the petitioners fail to comply with any of the conditions as mentioned hereinabove, the trial court shall be at liberty to cancel their bail automatically without any reference to this court.

7. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is rejected and the prayer for anticipatory bail of the petitioner nos. 2 to 6 is allowed.
8. CRM (A) 2535 of 2024 is, thus, disposed of.
9. 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.)