

31.07.2024

Court No.29

Item No. 37

**Partly
Allowed**

ar

CRM (A) 2582 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mollarpur Police Station Case No. 104 of 2024 dated 14.05.2024 corresponding to G.R Case No. 783 of 2024 under Sections 341/323/325/307/34 of the Indian Penal Code.

And

In Re: Lakshmi Bagdi & Ors.

Petitioners

Mr. Prosenjit Mukherjee

Mr. Jahangir Hossain

For the Petitioners

Ms. Anasuya Sinha

Ms. Dhanasree Biswas

For the State

1. Learned counsel for the petitioners submits that over a village related issue a free fight took place between the parties. In view of the fact that the petitioners initiated a criminal case a false complaint has been filed as a counter blast.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the case diary and the statement of the injured and the medical report.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner nos. 2 and 3 in the commission of the alleged offence and having regard to the fact that Nemai Bagdi and Madhuri Bagdi have received injury by sharp cutting weapon, namely, Kathari, we are not inclined to grant anticipatory bail to **the petitioner no. 2, Achintya Bagdi @ Achintya Kumar Bagdi and the petitioner no. 3,**

Sisir Bagdi @ Shishir Bagdi. However, having regard to the fact that the petitioner no. 1 is a lady and may not have actively participated in the commission of the alleged offence, we are of the view that custodial interrogation of the **petitioner no. 1** is not necessary.

4. Accordingly, we direct that in the event of arrest, the **petitioner no. 1, Lakshmi Bagdi** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 no. 1** shall cooperate with the investigation till the submission of the final report and on further condition that the **petitioner no. 1** shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum, corresponding to G.R Case No. 783 of 2024 within two weeks from date. 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 **petitioner no. 1** is allowed, however, the prayer for anticipatory bail of the **petitioner nos. 2 and 3** stand rejected and the application 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)

