

02.08.2024  
Court No.29  
Item No. 33

Allowed

sg

CRM (A) 2617 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 Newtown Police Station Case No. 181 of 2024 dated 12.07.2024 under Sections 126(2)/115(2)/117(2)/118(2)/109/3(5) of the Bharatiya Nyay Sanhita, pending before the learned Chief Judicial Magistrate, Barasat.

And

In Re: **Buddhadeb Halder & Anr.**

Petitioners

Mr. Moyukh Mukherjee  
Mr. Pritam Roy  
Ms. Soewel Bhattacharjee  
Ms. Triparna Roy

For the Petitioners

Ms. Faria Hossain  
Mr. Kaustav Banerjee

For the State

Mr. Santanu Talukdar

For the defacto complainant

1. The learned Counsel for the petitioners submits that as a counterblast to the several complaints by the petitioners with the District Magistrate and Bidhannagar Police Commissionerate against hooliganism of the defacto complainant and his associates who are enjoying patronage of the present political dispensation, a false complaint has been lodged by the defacto complainant.
2. The learned Counsel for the defacto complainant has submitted that multiple cases have been lodged against the petitioners and they are antisocial.

3. The learned Counsel for the State has produced the case diary and opposed the prayer for anticipatory bail.
4. Considering the materials available in the case diary, the nature of extent of complicity of the petitioners in the commission of alleged offence, the nature of injury alleged to have been sustained by the defacto complainant and the fact that the petitioners have lodged several complainants against various persons which includes the defacto complainant prior in point of time, the chance of false implication of the petitioners cannot be completely ruled out. Moreover, it appears that the physical assault as alleged by the defacto complainant was not classified as grievous and to be a possibility of free fight amongst the partners. Under such circumstances, we are of the view that custodial interrogation of the present petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioners, **Buddhadeb Halder and Suran Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be 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 and on further condition that the petitioners will report before the Investigating Officer once in a week till the conclusion of investigation and on condition tht the petitioners shall appear on every date 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 petitioners in court including cancelling the anticipatory bail granted without further reference to this Court.

6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 2617 of 2024 is, thus, disposed of.
8. 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.)**