

06.08.2024
Court No.29
Item No. 34

Allowed

sg

CRM (A) 2654 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. 248 of 2024 dated 30.03.2024 under Sections 448/323/354A/325/307/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate at Malda.

And

In Re: **Ashutosh Barman @ Ashu Barman & Anr.**

Petitioners

Md. Wasim Akram

For the Petitioners

Mr. Debabrata Chatterjee

Mr. Habib Hassan

For the State

1. The learned Counsel for the petitioners submits that due to a village dispute, the petitioners have been falsely implicated.
2. The learned Counsel appearing on behalf the State, in opposing the prayer for anticipatory bail, has referred to the statements of the victim and the neighbours as well as the injury report.
3. Considering the materials available in the case diary, nature and extent of complicity of the petitioners in the commission of alleged offence and the circumstances under which there has been an altercation between the parties, we are of the view that the custodial interrogation of the present petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest the petitioners namely, **Ashutosh Barman @ Ashu Barman and Upen Lohara**, 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, subject to 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. The petitioners shall meet the I.O. once in a week till the submission of final report and shall appear before the learned Trial Court within two weeks from date.

5. In the event the petitioners fail to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. 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.)