

06.08.2024
Sl No.70
Court No. 29
TN
(partly allowed)

CRM (A) 2690 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Md. Bazar Police Station Case No. 41 of 2024 dated 11.02.2024 under Sections 341/323/324/325/326/307/506/34 of the Indian Penal Code.

And

In the matter of : **Amjad Khan and others**

.... petitioners

Mr. Sanjib Kumar Dan,
Mr. Saryati Datta,
Mr. Chitrak Biswas

....for the petitioners

Mr. Sujan Chatterjee

... for the State

1. Claiming parity with co-accused persons who have been granted anticipatory bail, a prayer for anticipatory bail has been made on behalf of the petitioners.
2. The learned counsel appearing on behalf of the State in opposing the prayer has submitted that coordinate Benches have granted anticipatory bail only to those persons whose names did not transpire from the statement of the victim. However, the names of the present petitioners have been specifically mentioned in a statement recorded under Section 164 of the Code of Criminal Procedure.
3. We have read the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and we are in agreement with the submission made that they have been

specifically mentioned by the victim to have accused of physical assault resulting in grievous injury.

4. Under such circumstances, the prayer for anticipatory bail of the petitioners is rejected, excepting petitioner no.3.
5. Hence, we are inclined to grant anticipatory bail to the petitioner no.3 considering his involvement in the commission of the alleged offence as transpired from the case diary.
6. Accordingly, we direct that in the event of arrest, the petitioner no. 3, namely, **Ananda Dhibar** 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, to the satisfaction of the arresting officer and also 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 BNSS, 2023.
7. The petitioner no.3 shall meet the Investigating Officer once in a week till submission of the final report.
8. It is further directed that the present accused petitioner no.3 shall appear before the learned Additional Chief Judicial Magistrate at Suri, Birbhum within two weeks from date and pray for regular bail.
9. Accordingly, the application for anticipatory bail is disposed of.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)