

06.08.2024

Court No.29

Item No. 77

Partly
Allowed

ar

CRM (A) 2697 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 Chanchal Police Station Case No. 384 of 2024 dated 23.04.2024 corresponding to G.R Case No. 1034 of 2024 under Sections 341/323/325/308/34 of the Indian Penal Code.

And

In Re: **Bani Amin & Ors.**

	Petitioners
Md. Wasim Akram	For the Petitioners
Mr. Shekhar Barman	
	For the State

1. Heard the learned counsel appearing for the parties.
2. Over a land dispute it seems that the de-facto complainant had sustained physical injury.
3. Considering the materials available in the case diary and the statement of the injured read with the injury report, we are not inclined to grant anticipatory bail to the **petitioner no. 1**. However, having regard to the fact that no overt act has been attributed to the petitioner nos. 2 and 3 in the commission of the alleged offence and having regard to the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the **petitioner nos. 2 and 3** is not necessary.
4. Accordingly, we direct that in the event of arrest, the **petitioner nos. 2, Sahajamal and the petitioner no. 3, Barek @ Abdul Barek @ Tuku** 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, 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 and on further condition that the **petitioner nos. 2 and 3** shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda corresponding to G.R Case No. 1034 of 2024 within two weeks from date and the **petitioner nos. 2 and 3** shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the **petitioner nos. 2 and 3** shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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 nos. 2 and 3** is allowed, however, the prayer for anticipatory bail of the **petitioner no. 1** stands 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)