

08.08.2024
Sl No.08
Court No.29
TN
(Partly Allowed)

CRM (A) 2713 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Chakdaha Police Station Case No. 780 of 2024 dated 17.07.2024 under Sections 126(2)/117(2)/76/351(2)/79/3(5) of the Bharatiya Naya Sanhita.

And

In the matter of : **Aparna Sarkar and another**

.... petitioners

Ms. Minoti Gomes,
Ms. Dona Sanyal

....for the petitioners

Mr. Sujoy Sarkar

....for the State

Mr. Shibaji Kumar Das

... for the opposite party no.2

1. The learned counsel for the petitioners submits that over the issue of use of common egress and ingress and dumping garbage on the entrance of the house of the petitioners' door step, quarrel turned into fight and the alleged victim lady fell down later her brother lodged the complaint. The petitioners are innocent.
2. The learned counsel for the victim and the State have opposed the prayer for anticipatory bail.
3. Considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure directly implicating the petitioner no.2 for the alleged offence and the medical report suggests physical assault and admission of the petitioner for almost nine days and the nature of the

injury sustained, we are not inclined to grant anticipatory bail to the petitioner no.2.

4. However, the prayer for anticipatory bail of the petitioner no.1 is allowed.
5. Accordingly, we direct that in the event of arrest, the petitioner no.1, namely, **Aparna Sarkar** 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.
6. The petitioner no.1 shall cooperate with the investigation.
7. It is further directed that the present accused petitioner no.1 shall appear before the learned Additional Chief Judicial Magistrate, Kalyani, Nadia within two weeks from date and pray for regular bail.
8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)