

12.08.2024
Sl No.28
Court No. 29
TN
(Allowed)

CRM (A) 2741 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 Malda Police Station Case No.388 of 2024 dated 11.06.2024 under Sections 448/323/325/307/379/34 of the Indian Penal Code, 1860.

And

In the matter of: **Rejabul Sekh @ Rejabul Haque @ Rejabul Sk. and others**

.... petitioners

Mr. Kalidas Saha,
Ms. Mandira Mandal,
Ms. Khushi Mollick

....for the petitioners

Mr. Anup Kumar Bhowmick

... for the *de facto* complainant

Ms. Subhasree Patel,
Mr. Tirupati Mukherjee

....for the State

1. The learned counsel for the petitioners submits that over a family dispute, hot altercation took place between the parties in which both sides have been injured.
2. The learned counsel for the State has produced the case diary and referred to the statement of the injured and the injury report.
3. Learned counsel for the *de facto* complainant has opposed the prayer for anticipatory bail.
4. Considering the materials available in the case diary and the nature and extent of complicity of the petitioners in the commission of the alleged offence and *prima facie* it appears

that a hot altercation took place between two brothers over an ancestral property in which some injuries have been sustained by the *de facto* complainant which, however, does not appear to be grievous in nature from the perusal of the injury report, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Rejabul Sekh @ Rejabul Haque @ Rejabul Sk., Mojibur Rahaman @ Majibur Rahaman, Abu Tahar @ Abu Tahir @ Abutahir and Atara Bibi** respectively 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 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 nos.1, 2 and 3 shall meet the Investigating Officer once in a week till submission of the final report. The petitioner no. 4 shall cooperate with the investigation.
7. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Malda 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.)