

12.08.2024
SL No.46
Court No.29
(gc)
(Partly Allowed)

CRM (A) 2759 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Palashipara Police Station Case No.109 of 2024, dated 28.02.2024 under Sections 307/325/326/448/506/34 of the Indian Penal Code.

And

In the matter of : **Israil Sk. @ Ismail Sk. & Ors.**

- Petitioners.

Mr. Mrityunjoy Chatterjee,
Mr. Akash Sarkar,

....For the Petitioners.

Mr. Asraf Mandal

....For the De facto Complainant.

Mr. Arindam Sen,
Ms. Purnima Ghosh

... For the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. The learned Counsel for the State and the de facto complainant have opposed the prayer for anticipatory bail. It is submitted that the earlier application for anticipatory bail was not pressed and before the Trial Court, several applications were filed for the self-same relief.
3. The learned Counsel for the State has referred to the statement of the injured person recorded under Section 161 Cr.P.C. and the injury report.
4. Considering the materials available in the case diary and having regard to the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the statement of the injured which shows specific overt act on the part of amongst others, the petitioner nos.5 and 6, and the said

statement corroborates the injury report, we are not inclined to grant anticipatory bail to the petitioner nos.5 and 6, namely,

Merful Mondal and Mustak Mondal @ Mastak Mondal.

5. Accordingly, the application for anticipatory bail of the petitioner nos. 5 and 6 is rejected.
6. However, having regard to the nature and extent of complicity of the petitioner nos.1, 2, 3 and 4 in the commission of the alleged offence and moreover the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner nos.1, 2, 3 and 4 is not required.
7. Accordingly, we direct that in the event of arrest, the petitioner nos.1, 2, 3 and 4, namely, **Israil Sk. @ Ismail Sk., Sakil Ahammed @ Sakil Sk, Isarul Sk. @ Ysarul Sekh and Rosina Bibi @ Rasina Khatun Bibi**, 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.
8. It is further directed that the petitioner nos.1, 2, 3 and 4 shall appear before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia in connection with S.L. Case No.409 of 2024 within two weeks from date.
9. It is further directed that the petitioner nos.1, 2, 3 and 4 shall appear each and every date of hearing before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate

order to secure the presence of the petitioner nos.1, 2, 3 and 4 in Court including cancelling the anticipatory bail granted without further reference to this Court.

10. Accordingly, the application for anticipatory bail is disposed of.

11. 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.)