

19.8.2024
SL Nos. 12
Ct No. 29
SB

CRM (A) 2764 of 2024

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure / Section 482 of B.N.S.S. Act, 2023 filed in connection with Bagdah Police Station Case No. 398 of 2024 dated 25.4.2024 under Sections 447/325/326/307/34 of Indian Penal Code.

And

Arif Biswas @ Arif Billa Biswas @ Ors.

Vs.

The State of West Bengal

Mr. Susnigdho Bhattacharyya ... for the Petitioners

Ms. Sonali Das
Mr. Prakash Mishra ... for the State

1. Heard the learned advocates for the parties.
2. Learned counsel appearing for the petitioners submits that petitioners are innocent and have been falsely implicated.
3. Learned counsel appearing for the State has opposed the prayer for anticipatory bail and produced the case diary.
4. Considering the materials available in the case diary. The statement of the victim recorded under Section 164 of the Code of Criminal Procedure directly implicates the petitioner nos. 1,4,6,7 and 10 for physical assault with iron rod and other offending materials and the injury report which shows that the nature of injury is grievous in nature, we are not inclined to grant anticipatory bail to the aforesaid petitioners. However, considering the nature of involvement of the other petitioners in the commission of the alleged offence we are inclined to grant anticipatory bail to the other petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners namely, Sakeeb Biswas (petitioner no. 2), Salman Biswas @ Soab Akhter Biswas (petitioner no. 3), Jahid Biswas (petitioner no. 5), Farida Khatun @ Siuli Biswas (petitioner no. 8) and Sabana Mondal alias Moushumi Biswas (petitioner no. 9) shall be released on bail upon furnishing a bond of Rs.10,000/- 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. Petitioner nos. 2, 3 & 5 shall meet the investigating officer once in a week till the submission of the final report and petitioner nos. 8 & 9 shall co-operate with the investigation.
6. It is further directed that the petitioner nos. 2, 3, 5 8 and 9 shall appear before the learned Additional Chief Judicial Magistrate, Bongaon, North 24 Parganas in connection with G.R. Case No. 1451 of 2024 within two weeks from date and pray for regular bail.
7. In default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioner nos. 2,3,5,8 & 9 in Court including cancelling the anticipatory bail granted without further reference to this Court
8. Accordingly, the application for anticipatory bail is partly allowed and 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.)