

29.08.2024
Sl No.19
Court No.29
TN
(partly allowed)

CRM (A) 2802 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ratua Police Station Case No.382 of 2024 dated 06.07.2024 under Sections 126(2)/117(2)/109/3(5) of the BNS, 2023.

And

In the matter of : **Minhajul Islam alias Minhajul Rahaman and others**

.... petitioners

Ms. Minoti Gomes,
Mr. Kausik Biswas,
Mr. Debojyoti De

....for the petitioners

Mr. Golam Nure Imrohi

....for the *de facto* complainant

Ms. Subhasree Patel,
Mr. Tirupati Mukherjee

....for the State

1. The statement of the victim recorded under Section 164 of the Code of Criminal Procedure is produced.
2. Heard the learned counsel for the parties.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the fact that the victim has made specific allegation against the petitioner nos.2, 3 and 4 and have physically assaulted and having regard to the injury suffered by the victim, we are not inclined to grant anticipatory bail to the petitioner nos.2, 3 and 4.

4. Accordingly, the prayer for anticipatory bail in respect of petitioner nos.**2, 3 and 4**, namely, **Badrul Hoque, Ajmal Hossain** and **Rafikul Alam** respectively is rejected.
5. However, since no specific allegation has been made against the petitioner no.1 in the statement under Section 164 of the Code of Criminal Procedure, we are inclined to grant anticipatory bail to the petitioner no.1.
6. Accordingly, we direct that in the event of arrest, the petitioner no.1, namely, **Minhajul Islam alias Minhajul Rahaman** 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.
7. The petitioner shall meet the Investigating Officer once in a week till submission of the final report.
8. It is directed that the petitioner no.1 shall not enter the jurisdiction where the victim is residing except for the purpose of meeting the Investigating Officer (IO) and attending the court till submission of the final report.
9. The petitioner shall inform the IO of the place where he shall be presently residing and also inform the Officer-in-Charge of the police station concerned where he will be residing in terms of this order.
10. It is further directed that the present accused petitioner no.1 shall appear before the learned Additional Chief Judicial

Magistrate, Police File, Chanchal, Malda within one week from date and pray for regular bail.

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

12. 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.)