

16.08.2024

Court No.29

Item No. 42

Allowed

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CRM (A) 2831 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Krishnaganj Police Station Case No. 243 of 2024 dated 09.06.2024 corresponding to G.R Case No. 3057 of 2024 under Sections 447/325/307/34 of the Indian Penal Code.

And

In Re: **Amir Mondal & Ors.**

Petitioners

Mr. Snehansu Majumder

For the Petitioners

Mr. Ranadeb Sengupta

Ms. Chandreyi Dutta

For the State

1. Heard the learned counsel appearing for the parties.
2. It appears that free fight took place between the family members over a property dispute in which case and counter case have been lodged by both sides.
3. Considering the materials available in case diary and prima facie, the nature and extent of complicity of the petitioners in the commission of the alleged offence and although it appears that the injury has been sustained by the de-facto complainant for the reason of free fight between the two groups and moreover we have taken note of the fact that the petitioner have lodged prior complaint over the self-same incident with the allegation of physical assault, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Amir Mondal, Jalim Mondal and Rojina Mondal @ Khatun** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The **petitioner nos. 1 and 2** shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and the **petitioner no. 3** shall cooperate with the investigation till the submission of the final report and on further condition that the petitioners shall appear before the learned Chief Judicial Magistrate, Krishnagar, Nadia within two weeks from date in connection with G.R Case No. 3057 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)