

20.08.2024

Court No.29

Item No. 19

Allowed

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CRM (A) 2864 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 Paikar Police Station Case No. 244 of 2024 dated 23.06.2024 corresponding to G.R Case No. 1130 of 2024 under Sections 450/452/341/323/326/307/506/34 of the Indian Penal Code.

And

In Re: **Md. Basaruddin Sekh @ Khairul Sk. & Ors.**

Petitioners

Mr. Samrat Banerjee

For the Petitioners

Mr. Madhusudan Sur, Ld. APP

Ms. Sujata Das

For the State

1. Learned counsel for the petitioners submits that over a dispute with regard to the money borrowed, a free fight took place between the parties for which both sides suffered injury. The petitioners have disclosed some documents showing that the injury sustained by the petitioners.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the injured and the injury report and submits that somehow the injured have suffered grievous hurt.
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, although it appears from the injury report that there is a head injury but no fracture on the skull was noticed and the circumstances under which the injury had taken place in which both the parties were involved, 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, **Md. Basaruddin Sekh @ Khairul Sk., Mursalim Sekh. @ Juyal Sk., Kaimuddin Sekh @ Chaku Sk, Fayej Sekh, Tayer Sekh, Khayer Sekh, Murad Sk, Anamul Sekh @ Saibul Sk. And Sanir Sekh. @ Samir Sk.** 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 petitioners shall meet the Investigating Officer once in a week till the submission of the final report. The petitioners shall not enter the village Ramchandrapur till the submission of the final report, except for the purpose of meeting the I.O and for attending the Court. The petitioners shall also inform the I.O regarding the present address, where they shall be presently residing and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum, within two weeks from date in connection with G.R Case No. 1130 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)

