

27.08.2024

Court No.29

Item No. 33

Allowed

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CRM (A) 2867 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 Bagnan Police Station Case No. 345 of 2024 dated 07.07.2024 corresponding to GR Case No. 1566 of 2024 under Sections 329(4)/115(2)/117(2)/303(2)/109/351(2)/3(5) of the B.N.S, 2023.

And

In Re: **Sk. Bubai Ali alias Mukhesh Rahaman & Ors.**

Petitioners

Mr. Tanmay Chowdhury

Ms. Ritoprita Ghosh

For the Petitioners

Mr. Joydeep Biswas

Ms. Rajashree Tah

For the State

Mr. Pankaj Halder

Mr. Samarjit Balial

Mr. Sanatan Panja

Mr. Neelavo Bera

For the De-facto Complainant

1. Learned counsel for the petitioners submits that the petitioners are innocent and due to property dispute they have been falsely implicated.
2. Learned counsel for the State and the de-facto complainant have opposed the prayer for anticipatory bail. Learned counsel for the State has referred to the injury report and the statement of the injured.
3. Considering the materials available in case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the nature of injury and the injury report which does not show that the injury is grievous in nature and having regard to the circumstances for which the alleged offence occurred, 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, **Sk. Bubai Ali alias Mukhesh Rahaman, Parvina Begam and Rajia Begum alias Rajia Sultana** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, 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, corresponding to Section 482(2) of the BNSS, 2023. The **petitioner no. 1** shall meet the Investigating Officer once in a week till the submission of the final report and the **petitioner nos. 1 and 2** shall cooperate with the investigation till the submission of the final report and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah, within two weeks from date in connection with GR Case No. 1566 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. The I.O is directed to incorporate the provision under B.N.S 2023 as the complaint was lodged on 7th July, 2024.
7. 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)

