

20.08.2024
Sl No.28
Court No.29
TN
(partly allowed)

CRM (A) 2873 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Nowda Police Station Case No.161 of 2024 dated 19.06.2024 under Sections 448/326/307/286/34 of the Indian Penal Code, 1860 and under Sections 25/27 of the Arms Act.

And

In the matter of : **Mithun Mondal @ Mobaidul Rahaman and others**

.... petitioners

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose

....for the petitioners

Mr. Asraf Mondal

....for the *de facto* complainant

Ms. Sreyashee Biswas,
Mr. Mujibar Ali Naskar

... for the State

1. The learned counsel for the petitioners submits that over an incident of road accident, a free fight took place between two groups in which some of the petitioners have suffered injuries and a complaint has been lodged with the police station concerned.
2. The learned counsel for the State and the *de facto* complainant have opposed the prayer for anticipatory bail. It is submitted that the *de facto* complainant and others have suffered bomb blast injuries.
3. The learned counsel for the State has referred to the statement of the injured and the injury report.

4. 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 statement of the injured which directly implicates amongst others the petitioner nos.2, 3, 5, 14 and 21 and having regard to the nature of the injuries resulting from bomb blast, we are inclined to grant anticipatory bail to the remaining petitioners. However, there is no specific overt act alleged against the other petitioners. Accordingly, we grant anticipatory bail to the remaining petitioners.
5. Accordingly, the prayer for anticipatory bail in respect of the petitioner nos.2, 3, 5, 14 and 21, namely, **Abu Shama Mondal, Sufiyan Mondal @ Abu Sufiyan Mandal, Iliyas Mondal, Mansur Mondal @ Manchhur Ali Mondal** and **Nur Jamal Mondal @ Sk** respectively is rejected.
6. Accordingly, we direct that in the event of arrest, the petitioner nos.1, 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20 and 22, namely, **Mithun Mondal @ Mobaidul Rahaman, Talu Mondal @ Abutaleb Mondal, Abusaid Mondal, Sahin Mondal, Injamul Mondal @ Injamam Mondal, Kisku Mondal @ Biltu Mondal, Memi Mondal @ Atikur Rahaman Mondal, Rafikul Mondal @ Rafikul Islam Mondal, Ripon Mondal @ Abdul Kayum Ali, Haidar Mondal @ Haidar Ali Mondal, Akali Mondal @ Sadar Ali Mondal, Furkan Mondal, Moni Mondal @ Monirul Islam Mondal, Nuru Mondal, Minu Mondal @ Min Islam Mondal, Selim Mondal** and **Laltu Mondal** respectively 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, 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 nos.1, 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20 and 22 shall meet the Investigating Officer once in a week till submission of the final report.
8. It is further directed that the present accused petitioner nos.1, 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20 and 22 shall appear before the learned Chief Judicial Magistrate at Berhampore, Murshidabad within two weeks from date and pray for regular bail.
9. Accordingly, the application for anticipatory bail is disposed of.
10. 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.)