

20.08.2024

Court No.29

Item No. 40

Allowed

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CRM (A) 2885 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Salar Police Station Case No. 139 of 2024 dated 23.04.2024 corresponding to G.R Case No. 731 of 2024 under Sections 447/323/325/307/506/34 of the Indian Penal Code.

And

In Re: **Usman Sk**

Petitioner

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

For the Petitioner

Mr. Bibaswan Bhattacharya
Mr. Abhishek Verma

For the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. It is further submitted that the other co-accused stands on the same footing have been granted anticipatory bail by the Sessions Judge, Murshidabad.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the injury report. It has been submitted that one of the injured persons has specifically referred to the present petitioner having physical assaulted the petitioner with bamboo stick on his head.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having considered the injury report mentions the head injury but there has been no fracture on the vital part of the body and the fact that the

charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Usman Sk** 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, 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 and on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad, corresponding to G.R. Case No. 731 of 2024 within two weeks from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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 petitioner 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)

