

27.08.2024

Court No.29

Item No. 42

Allowed

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CRM (A) 2911 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 Haroa Police Station Case No. 246 of 2024 dated 04.06.2024 corresponding to G.R Case No. 2375 of 2024 under Sections 448/325/307/379/34 of the Indian Penal Code.

And

In Re: Bappa Mondal & Anr.

Petitioners

Mr. Samim Ahmmed
Mr. Mizanur Rahaman
Mr. Arka Ranjan Bhattacharya
Ms. Gulsanwara Pervin
Ms. Saloni Bhattacharjee

For the Petitioners

Mr. Madhusudan Sur, Ld. APP
Mr. Ashok Das

For the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim and the injury report.
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 and the statement of the victim in which she has stated that she has suffered injury inflicted upon her by the petitioner no. 1 while she was trying to protect Joydeb Sardar and also having regard to the fact that both sides have suffered injury, as reveals from the case diary and the statement of the injured and the circumstances for which the injury suffered by the victims, although the injury was on the head, which was

not fatal or grievous in nature, as reveals from the case diary, 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, **Bappa Mondal and Raja Mondal** 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 corresponding to Section 482(2) of the BNSS, 2023. The petitioners shall meet the Investigating Officer once in a week till the submission of the final report and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Basirhat, within two weeks from date in connection with G.R Case No. 2375 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)

