

27.08.2024

Court No.29

Item No. 45

Allowed

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CRM (A) 2914 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 Hemtabad Police Station Case No. 109 of 2024 dated 30.05.2024 corresponding to GR Case No. 1163 of 2024 under Sections 448/324/325/354/307/506/34 of the Indian Penal Code.

And

In Re: Abdul Jabbar & Ors.

Petitioners

Ms. Minoti Gomes

Mr. J.I Hossain

For the Petitioners

Mr. Bidyut Kumar Roy

Mr. Parvej Anam

For the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and due to previous enmity they have been falsely implicated.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the case diary and submits that the injured specifically named the petitioners.
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 it appears that the lacerated cut injury on the head with sharp object has been mentioned in the injury report but there has been no fracture and also having regard to the circumstances for which the alleged offence had taken place, 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, **Abdul Jabbar, Anjuara Khatun@ Anju and Arifat Ali @ Alifat** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one 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 **petitioner nos. 1 and 3** shall meet the Investigating Officer once in a week till the submission of the final report and the **petitioner no. 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 Chief Judicial Magistrate, Raiganj, Uttar Dinajpur, within two weeks from date in connection with GR Case No. 1163 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)

