

27.08.2024

Court No.29

Item No. 47

Allowed

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CRM (A) 2916 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 Rampurhat Police Station Case No. 191 of 2024 dated 30.05.2024 corresponding to GR Case No. 917 of 2024 under Sections 341/323/326/307/506/34 of the Indian Penal Code.

And

In Re: **Lucky Sekh @ Laki Sk. & Ors.**

Petitioners

Mr. Prosenjit Mukherjee

Mr. Samrat Banerjee

For the Petitioners

Mr. Bitasok Banerjee

Mr. Habib Hassan

For the State

1. Learned counsel for the petitioners submits that there is case and counter-case regarding the alleged incident and FIR has been lodged on 30.5.2024. Both sides have suffered injury due to hot altercation between the de-facto complainant and the accused over a previous dispute.
2. Learned counsel for the State has produced the case diary.
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 having regard to the circumstances for which the alleged incident took place and also considering the injury report, 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, **Lucky Sekh @ Laki Sk., Rayal Sekh, Raki Sekh and Halim Sekh** 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. 4** shall meet the Investigating Officer once in a week till the submission of the final report and the **petitioner nos. 1, 2 and 3** shall meet the I.O as and when called for till the submission of the final report and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum, within two weeks from date in connection with GR Case No. 917 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)