

27.08.2024

Court No.29

Item No. 56

Partly
Allowed

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CRM (A) 2925 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 Baishnabnagar Police Station Case No. 608 of 2023 dated 07.09.2023 corresponding to G.R Case No. 6159 of 2023 under Sections 448/341/323/326/307/427/506/34 of the Indian Penal Code.

And

In Re: **Ruhul Amin & Ors.**

Petitioners

Mr. Mrityunjoy Chattejee
Mr. Debapriya Majumder

For the Petitioners

Ms. Baisali Basu
Md. Y.A Ismail

For the State

1. Heard the learned counsel appearing for the parties.
2. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners nos. 2, 3, 6 and 7 in the commission of the alleged offence and the statement of the injured wherefrom it appears that the injured persons have directly implicating the petitioners nos. 2, 3, 6 and 7, we are not inclined to grant anticipatory bail to the **petitioner nos. 2, 3, 6 and 7**. However, having regard to the fact that there is no specific allegation against the petitioner nos. 1, 4, 5 and 8 in the commission of the alleged offence and having regard to the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the **petitioner nos. 1,4,5 and 8** is not necessary.
3. Accordingly, we direct that in the event of arrest, the **petitioner no. 1, Ruhul Amin, the petitioner no. 4,Ansur Mia, the petitioner no. 5,**

Barkat Ali and the petitioner no. 8, Mostaque Mia @ Mostak Mia 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 and on further condition that the **petitioner nos. 1,4,5 and 8** shall appear before the learned Chief Judicial Magistrate, Malda, corresponding to G.R Case No. 6159 of 2024 within two weeks from date and the **petitioner nos. 1,4,5 and 8** shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the **petitioner nos. 1,4,5 and 8** 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.

4. Accordingly, the prayer for anticipatory bail of the **petitioner nos. 1,4,5 and 8** is allowed, however, the prayer for anticipatory bail of the **petitioner nos. 2,3,6 and 7** stand rejected and the application is accordingly disposed of.
5. 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)

