

29.08.2024
SL No.35
Court No.29
(gc)
(Allowed)

CRM (A) 2946 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 filed in connection with Harishchandrapur Police Station Case No.1319 of 2023 dated 30.12.2023 under Sections 448/506/325/379/354B/323/307/34 of the Indian Penal Code.

And

In the matter of : **Arjuman Begum & Anr.**

- Petitioners.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder,
Md. Abu Safdar

....For the Petitioners.

Mr. Binoy Panda,
Ms. Purnima Ghosh

... For the State.

1. The learned Counsel for the petitioners submits that three complaints have been lodged against the petitioners which are similar in nature and in respect of two cases being Harishchandrapur Police Station Case No.1317 of 2023 and Harishchandrapur Police Station Case No.1318 of 2023, the prayer for anticipatory bail of the petitioners have been allowed on 9th July, 2024 and 15th July, 2024 respectively. It is submitted that the present complaint is a replica of the earlier complaints and similar relief may be granted to the petitioners.
2. However, in all fairness the learned Counsel for the petitioners has submitted that the prayer for anticipatory bail of the petitioner no.2 was rejected in CRM (A) 2339 of 2024 against which a Special Leave Petition was preferred and the Hon'ble Supreme Court by an order dated 26th July, 2024 in Special Leave to Appeal No.9747 of 2024 granted interim relief to the

effect that no coercive measures shall be taken against Imdadul Hoque, the petitioner no.2 herein, provided the said petitioner extends all cooperation in the investigation and trial and the said matter was made returnable after six weeks.

3. The learned Counsel for the State has produced the case diary and the injury report. It is submitted that having regard to the statement of the victim and the injury report, the prayer for anticipatory bail of the petitioners may be rejected.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence, the injury report and there is no possibility of the petitioners flee from justice and absconding and also having regard to the fact that there has been a case and counter-case between the parties, we are of the view that the custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Arjuman Begum** and **Imdadul Hoque**, 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, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. It is further directed that the petitioner no.2 shall meet the Investigating Officer once in a week till the submission of the final report and petitioner no.1 shall cooperate with the investigation.
6. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda

in connection with G.R. Case No.4085 of 2023 within two weeks from date.

7. Accordingly, the application for anticipatory bail is disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)