

30.08.2024
SL No.13
Court No.29
(gc)
(Partly Allowed)

CRM (A) 2956 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 Palashipara Police Station Case No.382 of 2024 dated 02.08.2024 under Sections 126(2)/117(2)/118(2)/109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : **Selim Molla & Ors.**

- Petitioners.

Mr. Soumya Basu Roy Chowdhury,
Mr. Soumyajit Das Mahapatra,
Mr. Abdul Aziz Mondal,
Ms. Madhurai Sinha

....For the Petitioners.

Mr. Rana Mukherjee,
Mr. Saptarshi Chakraborty,

... For the State.

Ms. Samima Akhter,
Ms. Neha Ray,
Mr. Mobaidur Hossain

....For the De facto Complainant.

1. The learned Counsel for the petitioners submits that due to village rivalry, a free fight took place in which both the parties have suffered serious injuries.
2. The learned Counsel for the State and the de facto complainant have opposed the prayer for anticipatory bail.
3. The learned Counsel for the State has produced the injury report and the statement of the injured persons.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner nos.3, 5, 6, 9 and 10 as revealed from the statement of the injured and having regard to the injury suffered by one of the victims which appears to be serious in nature, we are not inclined to grant anticipatory bail to the petitioner nos.3, 5, 6, 9 and 10.

5. Accordingly, the prayer for anticipatory bail of the petitioner nos.3, 5, 6, 9 and 10, namely, **Mashadul Rahaman Sk @ Mashidul Rahaman Shaikh @ Masidul Rahaman Sk, Serful Sk @ Sherful Sk, Muchhab Ali Sk @ Muchhab Ali Shaikh, Takuroddin Sk @ Takuraddin Sk and Mamlat Sk @ Mamlot Sk** is rejected.
6. However, having regard to the fact that as no specific overt act has been attributed to the rest of the petitioners, i.e., petitioner nos.1, 2, 4, 7 and 8, we are of the view that custodial interrogation of the petitioners is not necessary.
7. Accordingly, we direct that in the event of arrest, the petitioner nos.1, 2, 4, 7 and 8, namely, **Selim Molla, Mohibul Molla @ Mahibul Molla, Chhadak Jabbar Sk, Mosalim Sk @ Murselim sk @ Mur Selim Shaikh** and **Manowar Sk @ Milan Sk**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, 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 directed that the petitioner nos.1, 2, 4, 7 and 8 shall meet the I.O. once in a week till the submission of the final report.
8. It is further directed that the petitioner nos.1, 2, 4, 7 and 8 shall appear before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia in connection with SL No.1607 of 2024 within two weeks from date.
9. Accordingly, the application for anticipatory bail is disposed of.

10. 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.)