

29.08.2024

Court No.29

Item No. 03

Allowed

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CRM (A) 2967 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 Kaliachak Police Station Case No. 941 of 2024 dated 24.06.2024 corresponding to G.R Case No. 4400 of 2024 under Sections 341/323/325/354/307/34 of the Indian Penal Code.

And

In Re: **Salauddin Sk. & Ors.**

Petitioners

Mr. Mrityunjoy Chatterjee

Mr. Manas Das

For the Petitioners

Mr. Soumik Ganguly

Mr. Sonali Bhar

For the State

1. Learned counsel for the petitioners submits that due to boundary dispute a false complaint has been lodged against the petitioners.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the injured and the injury report.
3. 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 the circumstances under which such incident 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, **Salauddin Sk., Mursalim Sk., Raja Sk., Sahadat Sk and Jamil Sk** 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. The petitioners shall meet the Investigating Officer once in a week till the submission of the final report and on further condition that the petitioners shall appear before the learned **Chief Judicial Magistrate, Malda**, within two weeks from date in connection with **G.R Case No. 4400 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)