

30.08.2024
Court No.29
Item No. 23

Allowed

SM/MD

CRM (A) 2971 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Bodra Police Station Case No. 01 of 2024 dated 12.01.2024 (G.R. No. 279 of 2024) under Sections 448/354/326/307/34/379 of the Indian Penal Code, 1973 and Sections 25/27 of the Arms Act pending before the Court of learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas.

And

In Re: **Asfiur Rahman Molla @ Afsar Molla & Ors.**
Petitioners

Mr. Uday Sankar Chattopadhyay,
Ms. Trisha Rakshit,
Ms. Rajashree Tah,
Ms. Aishwarya Datta

For the Petitioners

Mr. Subhamoy Bhattacharya,
Mr. Prakash Mishra

For the State

1. Claiming parity with the co-accused Sahidul Kayal @ Sahid Kayal and others in CRM(A) 2275 of 2024, decided on 5th August, 2024, prayer for anticipatory bail has been made on behalf of the petitioners.
2. The Learned Counsel for the State has submitted that the injured have specifically named petitioner nos. 2, 3, and 6 in their statement recorded under Section 161 of the Code of Criminal Procedure and the petitioner no. 5 only in their statement recorded under Section 164 of the Code of Criminal Procedure.
3. Considering the materials available in the case diary and the statement of the victims recorded under Section 164 of the Code of Criminal Procedure and the nature and extent of complicity of the petitioners as transpired from the

case diary as well as having regard to the fact that no specific overt act has been alleged against the petitioners with regard to the alleged assault and also having regard to the nature of injury, 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, **Asfiur Rahman Molla @ Afsar Molla, Kutubuddin Khan, Sukur Ali Molla, Yusuf Ali Molla @ Yusup Ali Molla, Fatema Bibi, Habibul Molla @ Habibullah Molla and Akher Ali Molla** 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 with further direction that the petitioners shall meet the Investigating Officer once in a week till the submission of the final report.
5. It is further directed that the petitioners shall appear before the Learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas in connection with G.R. Case No. 279 of 2024 within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)