

02.09.2024

Court No.29

Item No. 41

Allowed

ar

CRM (A) 3007 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 Gangarampur Police Station Case No. 177 of 2024 dated 17.04.2024 corresponding to G.R Case No. 364 of 2024 under Sections 341/323/325//326/307/354//34 of the Indian Penal Code.

And

In Re: **Sirajul Mia & Ors.**

Petitioners

Mr. Kaushik Chaudhury
Ms. Busra Khatun

For the Petitioners

Ms. Minoti Gomes
Mr. Debanik Das

For the State

1. Learned counsel for the petitioners submits that the petitioners have been implicated to the previous grudge over a land dispute by the complainant.
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 case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the fact that there was a free fight took place between the parties in which some injuries were caused to the injured and family members, which appear to be simple in nature and also the fact that charge-sheet has already been filed, 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,
Sirajul Mia, Make Mia @ Maklehhur Miah, Sahin Mia @ Sain

Miah, Anjuwara Bibi, Mafijuddin Mia, Juyel Mia, Najmin Bibi @ Nure Najmin Nehar, Chanu Mia and Jamila Bibi shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, 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 petitioners shall appear before the **learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur**, corresponding to **G.R Case No. 364 of 2024** within two weeks from date and the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioners 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.

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)

(Shampa Dutt (Paul), J)

