

02.09.2024
A-53
Court No.29
TN
(Allowed)

CRM (A) 3019 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 (equivalent under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023) filed in connection with Chanchal Police Station Case No.625 of 2024 dated 20.06.2024 under Sections 341/325/326/308/379/354/34 of the Indian Penal Code.

And

In the matter of: **Matiur Rahaman and others**

.... petitioners

Mr. Arnab Chatterjee,
Mr. Arup Sarkar,
Ms. Dhanasree Biswas,
Ms. Poulami Bose

....for the petitioners

Mr. Prasun Kr. Dutta, Ld. APP,
Ms. Debjani Dasgupta

....for the State

1. The learned counsel for the petitioners submits that due to the property dispute, the petitioners have been falsely implicated.
2. The learned counsel for the State in opposing the prayer 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 and the nature of the injury which appears to be simple and having regard to 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, **Matiur Rahaman, Tahora Bibi @ Maslima Bibi, Matfur Rahaman @ Abdul Majid** and **Tahidur Ali @ Emdadul Hoque** respectively 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.
5. The petitioner nos.1, 3 and 4 shall meet the Investigating Officer once in a week till submission of the final report. The petitioner no.2 shall cooperate with the investigation.
6. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within two weeks from date and pray for regular bail.
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.)

(Shampa Dutt (Paul), J.)