

04.09.2024
SL No.115
Court No.29
(gc)
(Allowed)

CRM (A) 3028 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 Khargram Police Station Case No.139 of 2024 dated 21.04.2024 under Sections 341/325/326/307/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

And

In the matter of : **Samsuddoja Sk. @ Samsuddeja Sk.**

- Petitioner.

Md. Sabir Ahmed,
Md. Kutubuddin
Mr. Tasnim Ahamed

....For the Petitioner.

Ms. Faria Hossain,
Ms. Sujata Das

... For the State.

1. The learned Counsel for the petitioner submits that over an incident of one goat of the petitioner causing damage to the electric wire of submersible pump of the local Panchayat authority and due to hot altercation between the family members of the petitioner and the family members of the de facto complainant, a false complaint has been lodged. It is further submitted that the principal accused, Akher Sk., has been released on bail on the basis of the statement of the wife of the deceased.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the eyewitnesses and the post-mortem report. It is further submitted that the charge-sheet has already been filed.

3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the statement of the eyewitnesses which directly implicates the principal accused, Akher Sk. on physically assaulted with an iron rod to which ultimately the deceased succumbed and having regard to the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Samsuddoja Sk. @ Samsuddeja Sk.**, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 Cr.P.C, 1973 corresponding to Section 482(2) of the BNSS, 2023.
5. It is further directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad in connection with G.R. Case No.716 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 copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)