

03.09.2024
AD-47
Court No.29
TN
(Allowed)

CRM (A) 3036 of 2024

In Re:- An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Bolpur Police Station Case No.293 of 2024 dated 14.07.2024 under Sections 329(3)/115(2)/74/352/351(2)/3(5) of the BNS, 2023.

And

In the matter of: **Ashok Das and another**

.... petitioners

Mr. Soumik Ganguly,
Mr. Dilip Kumar Sadhu

....for the petitioners

Mr. Imran Ali,
Md. Ejaz Akhter

....for the State

1. The learned counsel for the petitioners submits that due to family dispute, false complaint has been lodged against the petitioners.
2. The learned counsel for the State in opposing the prayer has referred to the statement of the *de facto* complainant as well as the victim recorded under Section 164 of the Code of Criminal Procedure. However, it is submitted that no injury report are/is available in the case diary.
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 having regard to the fact that the dispute arose with regard to the share of the family members of the father of the *de facto* complainant, an altercation took place and there is no injury report available in the case diary, we are of the view that custodial

interrogation of the petitioners is not necessary. We also record that the petitioners have complied with Section 35(3) of the BNSS, 2023. Moreover, charge sheet has already been filed.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Ashok Das** and **Abhi Das @ Aviranjan Das** 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. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Suri 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.)