

03.09.2024
SL No.70
Court No.29
(gc)
(Allowed)

CRM (A) 3059 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 Kaliganj Police Station Case No.350 of 2024 dated 22.04.2024 under Sections 448/323/325/307/354/379/34 of the Indian Penal Code.

And

In the matter of : **Hakim Mondal & Anr.**

- Petitioners.

Mr. Amanul Islam,
Mr. Sourav Mukherjee,
....For the Petitioners.

Ms. Zareen N. Khan,
Mr. Jisan Iqbal Hossain
... For the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. The petitioner no.1 is the brother and the petitioner no.2 is the father of the complainant daughter-in-law. It is further submitted that the principal accused, Badsa Mondal, has been enlarged on bail.
3. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the independent witnesses and the injured.
4. Considering materials available in the case dairy, the statement of the injured wherefrom it appears that the cause of grievous injury was due to physical assault by Badsa Mondal who has been enlarged on bail and having regard to the role of the present petitioners in the commission of the alleged offence, and

also having regard to the fact that the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Hakim Mondal** and **Jakir Mondal**, 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 corresponding to Section 482(2) of the BNSS, 2023.
6. It is further directed that the petitioners shall appear before the learned Chief Judicial Magistrate, Nadia at Krishnagar in connection with G.R. Case No.2269 of 2024 within two weeks from date.
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.)