

05.09.2024
AD-10
Court No.29
TN
(Allowed)

CRM (A) 3075 of 2024

In Re:- An application under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Khanakul Police Station Case No. 291 of 2024 dated 18.06.2024 under Sections 448/323/326/354B/307/379/427/34 of the IPC, 1860.

And

In the matter of: **Surojit Sardar and another**

.... petitioners

Mr. Niladri Sekhar Ghosh,
Ms. Sampurna Chatterjee,
Mr. Sourav Mondal,
Ms. Labani Sikder

....for the petitioners

Mr. Suman De,
Mr. Tirupati Mukherjee

....for the State

1. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated and persons similarly placed have been granted bail.
2. The learned counsel for the State in opposing the prayer has referred to the injury report and the statement of the injured.
3. Considering the materials available in the case diary and having regard to the fact that there is case and counter-case between the parties and it appears that there is a free fight between the parties and also considering the nature of the injury which does not appear to be grievous in nature, we are of the view that the custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Surojit Sardar** and **Rakesh Pandit** respectively 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.
5. The petitioners shall meet the Investigating Officer once in a week till submission of the final report.
6. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Hooghly 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.)