

09.09.2024

Court No.29

Item No. 05

Allowed

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CRM (A) 3081 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Uluberia Police Station Case No.294 of 2024 dated 01.08.2024 corresponding to G.R Case No. 1762 of 2024 under Sections 310(4)/310(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Rohit @ Sk. Rohit & Anr.**

Petitioners

Mr. Mrityunjoy Chatterjee

Mr. Akash Sarkar

For the Petitioners

Mr. Saryati Dutta

Mr. Dhanasree Biswas

For the State

1. Heard the learned counsel for the parties.
2. The allegation is that the petitioners have gathered to commit dacoity.
3. In view of our earlier order we have called for a report from the concerned I.O with regard to the criminal antecedent of the petitioners. The nature of the offence here is different from the nature of the offence of which the petitioners were charged previously. The petitioner no. 1 was a juvenile when the earlier offence was done under different Sections. The petitioner no. 2 has no criminal antecedent.
4. Considering the materials available in case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence, 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, **Rohit @ Sk. Rohit and Bishal @ Bishal Das** shall be released on bail

upon furnishing a bond of Rs.5,000/- each, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023. The petitioners shall meet the Investigating Officer once in a week till the submission of the final report and on further condition that the petitioners shall appear before the **learned Additional Chief Judicial Magistrate, Uluberia, Howrah,** within two weeks from date in connection with **G.R Case No. 1762 of 2024.** In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Shampa Dutt (Paul), J)