

05.09.2024

Court No.29

Item No. 47

Allowed

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CRM (A) 3112 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 in connection with Khanakul Police Station Case No. 344 of 2024 dated 30.06.2024 corresponding to G.R Case No. 1291 of 2024 under Sections 448/323/326/379/504/506/34of the Indian Penal Code.

And

In Re: Abul Hassan Khan & Ors.

Petitioners

Mr. Niladri Sekhar Ghosh
Ms. Sampurna Chatterjee
Mr. Sourav Mondal
Ms. Laboni Sikder

For the Petitioners

Ms. Sayanti Santra
Ms. Suruchi Saha

For the State

1. The petitioner nos. 1 and 2 are the full borhters and the petitioner no. 3 is the wife of the petitioner no. 1.
2. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
3. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the injured persons and the injury report.
4. Considering the materials available in case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the injury report appears to be simple in nature and the fact that the circumstances to which such incident occurred, 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, **Abul Hassan Khan, Abul Kalam Khan and Samina Begum** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, 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 **petitioner nos. 1 and 2** shall meet the Investigating Officer once in a week till the submission of the final report and the **petitioner no. 3** shall cooperate with the investigation till the submission of the final report and on further condition that the petitioners shall appear before the learned **Additional Chief Judicial Magistrate, Arambagh, Hooghly**, within two weeks from date in connection with **G.R Case No. 1291 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)