

05.09.2024
Court No.29
Item No. 67

Allowed
sg

CRM (A) 3132 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Itahar Police Station Case No. 346 of 2024 dated 22.06.2024 under Sections 341/324/326/307/506/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Uttar Dinajpur.

And

In Re: **Abdul Rajjak & Ors.**

Petitioners

Mr. Kaushik Choudhury

For the Petitioners

Mr. Anand Keshri

Mr. Debanshu Ghorai

For the State

1. Leave is given to the petitioner to fill up the blanks in paragraphs 5 and 7 of the petitioner in course of the day.
2. We have heard the learned Counsel for the parties. It is submitted that there is free fight between the parties.
3. Considering the materials available in the case diary and the nature of involvement of the petitioner in the commission of alleged offence and also having regard to the nature of the injury, we are of the view that custodial interrogation of the present petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest the petitioners namely, **Abdul Rajjak, Arjaul Haque, Gulenur Bibi, Mojammel Hoque, Nurjek Ali, Nurjaman Ali, Rahenul Hoque, Senaul Hoque and Rejaul Hoque**, shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, to the satisfaction of Arresting

Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner no.3 shall cooperate with the investigation and the other petitioners shall meet the I.O. one in a week till the submission of final report and the petitioners shall appear before the learned Trial Court within two weeks from date.

5. In the event the petitioners fail to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
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.)