

10.09.2024
Court No.29
Item No. 40

Allowed
sg

CRM (A) 3191 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 Rejinagar Police Station Case No. 199 of 2024 dated 01.08.2024 under Sections 126(2)/117(2)/109/3(5) of BNS, pending before the learned Chief Judicial Magistrate, Murshidabad at Berhampore.

And

In Re: **Krishna Mondal @ Krishna Chandra Mondal & Ors.**
Petitioners

Mr. Robiul Islam
Mr. Raju Mondal
Mr. Masooq Rahaman

For the Petitioners

Ms. Sayanti Santra
Mr. Arup Sarkar

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and over control and management of one Ashram, altercation took place between the parties.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, 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, prima facie, there is a free fight took place between the parties and there is case and counter case between the parties and also having regard to the nature of injury which prima facie appears to be simple in nature, we are of the view that the custodial interrogation of the present petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Krishna Mondal @ Krishna Chandra Mondal, Billo Mondal @ Billo Chandra Mondal, Ananda Mondal, Sonatan Das @ Sonatan Mondal, Mira Das @ Mira Mondal and Bijay Mondal @ Bijoy Kumar 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 Bharatiya Nagarik Suraksha Sanhita. The petitioner nos. 1 to 4 and 6 shall meet the I.O. once in a week till the submission of the final report and the petitioner no.5 shall cooperate with the investigation. The petitioners shall appear before the learned Chief Judicial Magistrate, Murshidabad at Berhampore, within two weeks from date.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
6. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)