

12.09.2024
SL No.21
Court No.29
(gc)
(Partly-allowed)

CRM (A) 3254 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 filed in connection with Deganga Police Station Case No.350 of 2024 dated 10.06.2024 under Sections 341/326/307/34 of the Indian Penal Code and under Section 3/4 of the Explosive Substances Act.

And

In the matter of : **Md. Gaffar Ali @ Gaffar Ali & Ors.**

- Petitioners.

Mr. Uday Sankar Chattopadhyay,
Mr. Pronay Basak,
Ms. Trisha Rakshit,
Ms. Rajashree Tah,
Mr. Mohammed Reajul

....For the Petitioners.

Mr. Soumik Ganguly,
Ms. Suchismita Dutta

... For the State.

Md. Younush Mondal

....For the De facto Complainant.

1. The learned Counsel for the petitioners submits that due to political rivalry, a false case has been lodged against the petitioners.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the injured and the injury report.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and that the injured in his statement recorded under Section 164 Cr.P.C. has named the petitioner nos.1 and 2 who claimed to have played active role and have physically assaulted the victim and the injury report shows that

the injury is grievous in nature, we are not inclined to grant anticipatory bail to the petitioner nos.1 and 2.

4. Accordingly, the prayer for anticipatory bail of the petitioner nos.1 and 2, namely, **Md. Gaffar Ali @ Gaffar Ali** and **Saheb Ali**, is rejected.
5. However, having regard to the role ascribed to the petitioner nos.3, 4, 5 and 6 and their involvement as appeared from the case diary, we are of the view that custodial interrogation of the petitioner nos.3, 4, 5 and 6 is not necessary.
6. Accordingly, we direct that in the event of arrest, the petitioner nos.3, 4, 5 and 6, namely, **Rafik Ali @ Md Rafik Ali, Noor Amin @ Nutu Molla @ Nantu Molla, Abdar Rahaman @ Munna @ Munnaf** and **Esmail Khan**, 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 and on further condition that the petitioner nos.3, 4, 5 and 6 shall meet the I.O. once in a week till the submission of the final report.
7. It is further directed that the petitioner nos.3, 4, 5 and 6 shall appear before the learned Additional Chief Judicial Magistrate, Barasat, North 24 Parganas in connection with G.R. Case No.1458 of 2024 within two weeks from date.
8. Accordingly, the application for anticipatory bail is disposed of.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)