

**12.09.2024**

Court No.29

Item No. 28

**Partly  
Allowed**

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### **CRM (A) 3261 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bharatpur Police Station Case No. 177 of 2024 dated 28.06.2024 corresponding to G.R Case No. 1149 of 2024 under Sections 341/325/326/354/307/34 of the Indian Penal Code.

And

In Re: **Mir Raham Ali @ Raham Ali Mir & Ors.**  
Petitioners

Mr. Manas Kumar Das                      For the Petitioners

Mr. Binoy Kumar Panda  
Mr. Sandip Kundu                      For the State

1. Learned counsel for the petitioners submits that there is a long standing civil dispute between the parties and they have been falsely implicated.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the injured and the medical 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 the injury report wherefrom it appears that the victim has suffered grievous injury due to physical assault by the petitioner nos. 1 and 2, we are not inclined to grant anticipatory bail to **the petitioner nos. 1 and 2.** However, considering the materials available in the case diary and the fact that the petitioner no. 3 is a lady and she may not have active participation in the alleged offence and moreover, the charge-sheet has already been filed, we are inclined to grant anticipatory bail to the **petitioner no. 3.**

4. Accordingly, we direct that in the event of arrest, namely, the **petitioner no. 3, Tahamina Bibi** 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, 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 and on further condition that the **petitioner no. 3** shall appear before the **learned Additional Chief Judicial Magistrate, at Kandi, Murshidabad**, corresponding to **G.R Case No. 1149 of 2024** within two weeks from date and the petitioner no. 3 shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner no. 3 shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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.
5. Accordingly, the prayer for anticipatory bail of the **petitioner no. 3** is allowed, however, the prayer for anticipatory bail of the **petitioner nos. 1 and 2** stands rejected and the application is accordingly disposed of.
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)

