

12.09.2024

Court No.29

Item No. 31

**Partly
Allowed**

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CRM (A) 3264 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 Malda Police Station Case No. 454 of 2024 dated 30.06.2024 corresponding to G.R Case No. 4546 of 2024 under Sections 448/323/325/354B/308/506/34 of the Indian Penal Code.

And

In Re: Arup Saha & Anr.

Petitioners

Mr. Arup Kumar Bhowmick For the Petitioners

Mr. Avishek Sinha

Ms. Paramita Sahu For the State

1. Heard the learned counsel for the parties.
2. 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 medical report the de-facto complainant has directly implicated the petitioner no. 1 for physical assault, we are not inclined to grant anticipatory bail to **the petitioner no. 1**. However, considering the materials available in the case diary, the nature and extent of complicity of in the alleged offence, we are inclined to grant anticipatory bail to the **petitioner no. 2**.
3. Accordingly, we direct that in the event of arrest, namely, the **petitioner no. 2, Bandana Saha @ Pakhi Saha** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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. The petitioner no. 2 shall meet the I.O once in a week till the submission of the final report and on further condition that the **petitioner no. 2** shall appear before the **learned Chief Judicial Magistrate, Malda**, within two weeks from date in connection with **G.R Case No. 4546 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.

4. Accordingly, the prayer for anticipatory bail of the **petitioner no. 2** is allowed, however, the prayer for anticipatory bail of the **petitioner no. 1** stands rejected and the application is accordingly disposed of.
5. 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)