

12.09.2024
Court No.29
Item No.34

Allowed
sg

CRM (A) 3267 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 Bagnan Police Station Case No. 196 of 2021 dated 06.04.2021 under Sections 341/324/325/379/506/34 of the Indian Penal Code read with Section 3/4 of the E.S. Act, pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah.

And

In Re: **Bijal Bag**

Petitioner

Mr. Kunal Ganguly
Mr. Kaustav Banerjee

For the Petitioner

Md. Ejaz Akhter

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the instant case.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail, has referred to the seizure list, 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 petitioner in the commission of alleged offence and in view of the fact that the victim has suffered injury which does not appear to be grievous or life threatening and also having regard to the fact that some of the co-accused persons have been granted anticipatory bail and that the charge sheet has already been filed, we are of the view that custodial interrogation of the present petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Bijal Bag**, 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, 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 shall appear before the trial court within two weeks from date and thereafter shall appear on each and every date of hearing until further orders.
5. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his 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.)

(Prasenjit Biswas, J.)