

13.09.2024
SL No.25
Court No.29
(gc)
(Partly-allowed)

CRM (A) 3292 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 Kushmandi Police Station Case No.22 of 2023 dated 03.02.2023 under Sections 447/323/325/354/379/307/34 of the Indian Penal Code and Charge-sheet submitted under Section 447/323/325/354/307/379/511/34 of the Indian Penal Code.

And

In the matter of : **Ajgar Ali & Ors.**

- Petitioners.

Mr. Saikat Chatterjee,
Ms. Jeenia Rudra

....For the Petitioners.

Mr. Subhamoy Bhattacharya,
Mr. Sourat Nandy

... For the State.

1. Heard the learned Counsel for the parties.
2. Over cultivation of rice, hot altercation took place between the parties which is alleged that the petitioners have physically assaulted the de facto complainant and his wife.
3. We have perused the statement of the injured as well as the injury report.
4. Considering the materials available in the case diary and both the injured have directly implicated petitioner no.2 for the physical assault that have caused grievous injury, we are not inclined to grant anticipatory bail to the petitioner no.2.
5. Accordingly, the prayer for anticipatory bail of the petitioner no.2, namely, **Ajijur Rahaman**, is rejected.
6. However, having regard to the role ascribed to the petitioner nos.1 and 3 as transpired from the case diary, which is, *prima*

facie, general in nature, we are of the view that custodial interrogation of the petitioner nos.1 and 3 is not necessary.

7. Accordingly, we direct that in the event of arrest, the petitioner nos.1 and 3, namely, **Ajgar Ali** and **Ajibaddin Ahammed**, 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 no.1 and 3 shall meet the I.O. once in a week till the submission of the final report.
8. It is further directed that the petitioner nos.1 and 3 shall appear before the learned Additional Chief Judicial Magistrate, Buniadpur, Dakshin Dinajpur in connection with G.R. Case No.93 of 2023 within two weeks from date.
9. Accordingly, the application for anticipatory bail is disposed of.
10. 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.)