

13.09.2024
Court No.29
Item No. 27

Allowed

SM/Asis

CRM (A) 3294 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 Banshihari Police Station Case No. 274 of 2024 dated 31.07.2024 under Sections 126(2)/115(2)/109/74/3(5) of Bharitiya Nyaya Sanhita, 2023 pending before the Court of learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur.

And

In Re: Saifur Rahaman & Ors.

Petitioners.

Mr. Asim Kumar Chakraborti

For the Petitioners

Mr. Sudip Kumar,
Ms. Baishakhi Chatterjee.

For the State

1. Heard the learned counsel for the parties.
2. There appears to be a civil dispute between the de facto complainant and the petitioners. It is alleged that due to such previous grudge, a false complaint has been lodged.
3. Learned Counsel for the State has produced the Case Diary and opposed the prayer for anticipatory bail of the petitioners.
4. Considering the materials available in the case diary and the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the injury report as revealed from the Case Diary, which appears to be not grievous in nature and also having regard to the fact that there is an existing civil dispute between the parties, we feel that the custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Saifur Rahaman, Faruk Hossain, Bakteyar Hossain, Tultuli Khatun** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer of the concerned Police Station 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 Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall appear before the Investigating Officer of the concerned Police Station once in a week and on further condition that the petitioners shall appear before the jurisdictional Court within two weeks and on every date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
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.)