

13.09.2024
Court No.29
Item No. 30

Allowed

SM/Asis

CRM (A) 3297 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 Paikar Police Station Case No. 302 of 2024 dated 21.07.2024 under Sections 126(2)/115(2)/117(2)/109/351(2)(3)/3(5) of the Bharatiya Nyaya Sanghita, 2023 presently pending before the Court of learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum.

And

In Re: Hazrat Belal Mondal & Ors.

Petitioners.

Mr. Dipayan Kundu

For the Petitioners

Mrs. Zareen N. Khan,
Md. Sayeed Khan.

For the State

1. Heard the learned counsel for the parties.
2. Learned Counsel for the petitioners submits that over a land dispute a false complaint has been lodged against the petitioners.
3. Learned Counsel for the State in opposing the prayer for anticipatory bail as referred to the injury report and the statements of the injured.
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 although it appears that the injured in their statements has named the present petitioners regard being had to the nature of the injury and the circumstances under which such incident had taken place, we are of the view that the custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Hazrat Belal Mondal, Rabiul Hasan and Nur Hasan Mondal** 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 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.)