

18.09.2024
AD-17
Court No.29
TN
(Allowed)

CRM (A) 3329 of 2024

In Re:- An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Harishchandrapur Police Station Case No. 604 of 2024 dated 18.07.2024 under Sections 329(3)/117(2)/109/3(5) of the BNS.

And

In the matter of: **Munirul Islam @ Monirul and others**

.... petitioners

Mr. Kallol Mondal,
Mr. Krishan Roy,
Mr. Souvik Das,
Mr. Anamitra Banerjee

....for the petitioners

Mr. Asfak Ahammed

....for the *de facto* complainant

Mr. P.K. Datta,
Mr. Asit Dewan

....for the State

1. The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. The learned counsel for the State in opposing the prayer has referred to the statement of the injured and the injury report from the case diary.
3. The learned counsel for the *de facto* complainant submits that all the present petitioners have assaulted the victim with deadly weapon.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the

commission of the alleged offence, the nature of the injury which does not appear to be grievous in nature and the circumstances under which such incident had occurred and also having regard to the fact that charge sheet has already been filed, we are of the view that custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Munirul Islam @ Monirul, Tarik Anwar @ Tarik Anowar, Abdul Malek, Md. Ibrahim @ Ebrahim, Md. Ismaile @ Ismail, Ajijur Rahaman @ Ajij, Ajmal Hossain, Abdul Khalek @ Abdul Khalque, Rahul Amin @ Aktar Hossain, Md Mithun @ Muktar Alam, Hafjur Rahaman @ Hebjur Rahaman @ Hefjur Rahaman** and **Sagir Alam** respectively shall be released on bail upon furnishing a bond of Rs.15,000/- 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.
6. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within one week from date.
7. Accordingly, the application for anticipatory bail is disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)