

26.09.2024
SL No.12
Court No.29
(gc)
(Allowed)

CRM (A) 3355 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Criminal Procedure Code, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Chanditala Police Station Case No.416 of 2024 dated 13.06.2024 under Sections 341/323/324/325/379/354B/504/506/34 of the Indian Penal Code.

And

In the matter of : **Ali Akbar @ Sk. Ali Akbar @
Sekh Akbar Ali & Anr.**

- Petitioners.

Mr. Dipanjan Dutt,
Mr. Subhajit Chowdhury
....For the Petitioners.

Mrs. Amita Gaur,
Ms. Srilekha Chatterjee
... For the State.

Mr. Samim Ahammed,
Mr. Aniruddha Singh
....For the De facto Complainant.

1. The petitioners are related to the de facto complainant and belonging to the same family. Over a dispute where the de facto complainant being a female shall be allowed to pursue higher studies, a dispute arose.
2. The learned Counsel for the de facto complainant submits that she is harassed and abused for pursuing higher studies and she has received a summon to appear before the police authorities on the basis of an alleged complaint by the present petitioners. However, he has candidly submitted that he has no document to substantiate such statement.
3. The learned Counsel for the State has produced the case diary which contains the statement of the de facto complainant and the medical report.

4. Considering the statement of the de facto complainant and taking into consideration our earlier order in CRM(A) 2848 of 2024 dated 16th August, 2024 in respect of Rigiya Begum @ Rijia Begum and having regard to the fact that the present petitioners stand on the same footing as that of Rigiya Begum @ Rijia Begum and allegation against the present petitioners is not as serious and grave for which they can be denied anticipatory bail and, moreover, the charge-sheet has already been filed, we are of view that custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners namely, **Ali Akbar @ Sk. Ali Akbar @ Sekh Akbar Ali** and **Sekh Umar Ali @ Sk. Amar**, 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 Cr.P.C., 1973 corresponding to Section 482(2) of the BNSS, 2023.
6. It is also directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Serampore in connection with G.R. Case No.1936 of 2024 within two weeks from date.
7. We further make it clear that the petitioners shall not humiliate or stand in the way of the de facto complainant in pursuing higher studies.
8. In breach of any of the conditions, 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.

9. The report filed by the State is taken on record.

10. Accordingly, the application for anticipatory bail is disposed of.

11. 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.)