

Court No. 29
(266041)

CRM (A) 3420 of 2024

23.09.2024
(AD 22)
(S. Banerjee)

(Allowed)

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 in connection with Harischandrapur Police Station Case No. 511 of 2024 dated 22.06.2024 under Sections 341/326/307/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Chanchal at Malda.

And

In the matter of: **Arjaul Haque & Anr.**

...petitioners

Mr. Sourav Mukherjee

... for the petitioners

Mr. Saibal Bapuli
Ms. Mousumi Sarkar

... for the State

1. Heard counsel for the parties.
2. There appears to be a dispute between the family members that have resulted in a free-fight in which the de facto complainant appears to have suffered some injuries.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in commission of the alleged offence and having regard to the fact that the petitioners have not been specifically named for the physical assault and also having regard to the injury report wherefrom it appears that the injuries are simple in nature, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner no. 1 (Arajul Haque) and the petitioner no. 2 (Ujir Hossain) shall be released on bail upon furnishing a bond of Rs. 5,000/- each with two sureties of like amount, to the satisfaction of the arresting officer and 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 Bharatiya Nagarik Suraksha Sanhita, 2023.
5. The petitioners shall cooperate with investigation and meet the investigating officer as and when required and shall appear before the jurisdictional court within two weeks.
6. Accordingly, the application for anticipatory bail is allowed.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)