

24.09.2024

Court No.29

Item No. 23

Allowed

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CRM (A) 3434 of 2024

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, 2023 in connection with Itahar Police Station Case No. 346 of 2024 dated 22.06.2024 corresponding to G.R Case No. 1347 of 2024 under Sections 341/324/326/307/506/34 of the Indian Penal Code.

And

In Re: **Hasen Ali & Ors.**

Petitioners

Ms. Busra Khatoon

For the Petitioners

Mr. Pravash Bhattacharya

Ms. Suruchi Saha

For the State

1. Learned counsel for the petitioners submits that the petitioners stand on the same footing as that of Abdul Rajjak & Ors., who have been granted anticipatory bail by a coordinate bench on 05.9.2024 in CRM (A) 3132 of 2024.
2. Learned counsel for the de-facto complainant submits that specific allegations have been made against the present petitioners.
3. It appears that there was a free fight between the parties and also there has been a case and counter case.
4. Considering the materials available in the case diary, the nature of involvement of the petitioners in the commission of the alleged offence and also having regard to the nature of injury, 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, **Hasen Ali, Siddique Ali @ Siddik Ali, Guljar @ Guljar Alam, Sona**

Khardakar @ Sonamani Kandakar and Haren Ali Rasid @ Saddam Hossen shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer 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 BNSS, 2023. The petitioners shall meet the Investigating Officer once in a week till the submission of the final report and on further condition that the petitioners shall appear before the **learned Chief Judicial Magistrate, Uttar Dinajpur**, within two weeks from date in connection with **G.R Case No. 1347 of 2024**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any 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)

(Uday Kumar, J)