

27.09.2024

Court No.29

Item No. 27

**Partly
Allowed**

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CRM (A) 3471 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Habibpur Police Station Case No. 96 of 2024 dated 17.04.2024 corresponding to G.R Case No. 2470 of 2024 under Sections 341/323/325/326/307/379/34 of the Indian Penal Code.

And

In Re: **Barun Singha @ Barunjit Singha & Ors.**
Petitioners

Mr. Kazi Mokhlasur Rahman For the Petitioners

Mr. Ashok Das For the State

1. Heard the learned counsel for the parties.
2. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the statement of the injured and other witnesses in which specific allegation has been made against the petitioner no. 1 for physically assaulted the victim, which caused fracture, we are not inclined to grant anticipatory bail to **the petitioner no. 1**. However, considering the role ascribed to the petitioner nos. 2 and 3, which is general in nature, we are inclined to grant anticipatory bail to the **petitioner nos. 2 and 3**.
3. Accordingly, we direct that in the event of arrest, namely, the **petitioner no. 2, Bhabesh Singha, the petitioner no. 3, Satyajit Singha @ Biswajit Singha** shall be released on bail upon furnishing a bond of Rs.10,000/-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 **petitioner nos. 2 and 3** shall meet once in a fortnight till the submission of the final report and on further condition that the **petitioner nos. 2 and 3** shall appear before the **learned Chief Judicial Magistrate, Malda**, within **Ten days** from date in connection with **G.R Case No. 2470 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.

4. Accordingly, the prayer for anticipatory bail of the **petitioner nos. 2 and 3** is allowed, however, the prayer for anticipatory bail of the **petitioner no. 1** stands rejected and the application is accordingly disposed of.
5. 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)